Debates

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Wednesday, 14 October 2009

Schools—closures 4397
Supermarkets—competition policy 4403
Hospitals—Calvary Public Hospital and Clare Holland House 4419
Questions without notice:
- Taxation—GST revenue 4439
- Deakin swimming pool 4441
- Economy—debt to commonwealth 4442
- Public safety 4443
- Canberra Hospital—waiting times 4446
- Environment—urban street trees 4448
- Supermarkets—competition policy 4451
- Health services—access to transport 4453
- Department of Territory and Municipal Services—capital works program 4454
- Supermarkets—competition policy 4457
- Taxation—utilities 4458

Supplementary answers to questions without notice:
- Housing—public 4459
- Deakin swimming pool 4460
- Civil partnerships 4460

Answer to question on notice:
- Question No 260 4460

Supplementary answers to questions without notice:
- Taxation—GST payments 4461
- ACTION bus service—subsidies 4461

Answer to question on notice:
- Question No 260 4462

Hospitals—Calvary Public Hospital and Clare Holland House 4462
Housing—non-government providers 4477
Courts and Tribunal (Appointments) Amendment Bill 2009 4490
Anti-Poverty Week 4507
Adjournment:
- Hospitals—Calvary Public Hospital and Clare Holland House 4516
- Courts and tribunals—appointments 4516
- Gungahlin United Football Club 4518
- esCarpade 4518
- Ms Veronica Wensing 4519

Schedule of amendments:
- Schedule 1: Courts and Tribunal (Appointments) Amendment Bill 2009 4521

Wednesday, 14 October 2009

The Assembly met at 10 am.

(Quorum formed.)

MR SPEAKER (Mr Rattenbury) took the chair and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Schools—closures

MR DOSZPOT (Brindabella) (10.02): I move:

> That this Assembly:
>
> (1) notes:
>
> (a) recommendation 13 of the Standing Committee on Education, Training and Youth Affairs inquiry into school closures and reform of the ACT education system, which states that based on the demographic, educational, social and economic evidence presented during the inquiry, that the Government immediately commences the process to reopen the Hall and Tharwa primary schools; and
>
> (b) the demographic, educational, social and economic evidence that supports the reopening of Flynn and Cook primary schools; and
>
> (2) calls on the ACT Government to immediately commence the process to reopen Hall, Tharwa, Flynn and Cook primary schools.

The motion that the opposition have brought to this place is one that the communities of Tharwa, Hall, Flynn and Cook have been working towards and waiting for since that fateful decision was made by the Stanhope government, for reasons known only really by them, to close these and 19 other schools in 2006.

In the process, hundreds of families had their lives disrupted by the closure of their neighbourhood school, incurred increased travel costs, and faced increased safety risks for their children travelling to and from more distant schools. In the main, parents in these communities had to bear the impact of this folly of Minister Barr. All this was done on, once again, a serious misrepresentation of facts by the minister for education using unsubstantiated assertions that small schools offer a lesser education, contrary to research evidence, and that they are too expensive.

This is a motion that reflects the Canberra Liberals' commitment to these communities and an attempt to fulfil the election promise that we made to reopen the Tharwa, Hall, Flynn and Cook schools going into the last election. This motion also reflects what many in the community understood was the sentiment of the ACT Greens, who took a similar promise to the 2008 election. The ACT Greens, in their election material in the lead-up to the election, said:

> The ACT Greens will review and reassess all school and preschool closures …

We can consider that the inquiry into school closures conducted by the Standing Committee on Education, Training and Youth Affairs was a review and the information provided through this process was certainly enough to reassess, so the question is: why are our colleagues stopping short of implementing the result of all of this? The clear evidence that we are left with leaves us with the pure and simple fact that these schools can be and should be reopened.

We, the opposition, have always been available to discuss any issue along these lines, and we would certainly ask our Greens colleagues to pursue this matter and this motion and support us today. The reality of the situation is that the more delays that are put in place the harder it is going to be for these communities to get the results that they are so desperately seeking.

Minister Barr has already stated when the recommendations were received that he will not reopen any schools, so any more stalling for time is simply that—stalling for time for no apparent good reason. Mr Brendan Morling, Secretary of the Cook P&C Association, said during his appearance on 1 May at the public hearing into the school closures:

> In summary, the Cook community was dealt with in a disrespectful and misleading manner that has continued with the government's submission to this inquiry. I note that the Greens member for Ginninderra, Meredith Hunter, put out a press release on 24 September 2008 noting that the ACT Greens will review and reassess all school and preschool closures using criteria that included community impact, climate change impact and parent attitudes.
>
> Clearly, in our view, any proper assessment of Cook Primary and Pre-school against these criteria would lead to a decision to reopen the Cook schools. We will be watching this process keenly to see if the ACT Greens are indeed serious about education outcomes.

I think that there will be many in the community who will be watching keenly and reflecting on the commitments that have been made by both the Liberals and the ACT Greens. Much debate in the community and within these walls has ensued in the three years since the closures which have culminated in the findings of the inquiry into school closures tabled in this place recently.

One of the key findings, as detailed in the motion, states that based on the demographic, educational, social and educational evidence presented during the inquiry, the government commence the process to reopen Hall and Tharwa schools. This finding was further enhanced in a statement made by my colleague Mr Hanson in the report, which stated that the evidence was also there to commence the reopening of Flynn and Cook schools as well.

The purpose of this motion today is to look to the future and learn from the past. One of the biggest hurdles that confront this government is their inability to acknowledge that they have made a mistake. It happens in society in general—mistakes are made, and once they are acknowledged they can be rectified. This, however, does not seem to be the case with this Labor government, and in particular with Minister Barr.

Today is an opportunity for this government to do something for the communities they have so badly failed and misled. Today is an opportunity for the government to at least acknowledge that the process was not complete and that they will not undertake to make such wholesale changes to the education system on that scale again.

Today this government have an opportunity to say that they are sorry for the pain and the suffering experienced by these communities and that they acknowledge that there is a case to reopen Tharwa, Flynn, Cook and Flynn primary schools because without doing this and without the ability to acknowledge their wrongdoing in the very first place they will be forever unable to move forward with the complete trust of the ACT community.

Let us now have a look at some of the evidence of misrepresentation which has been so rudely dismissed out of hand by this government and add a couple of other factors for good measure. During the inquiry, witnesses meticulously recounted the flaws in the government's process and highlighted the injustices that were meted out to certain communities. We heard about the perceived conflict of interest and off-the-record promises made by staff members of ministers of this government.

We heard the sorry tale of the staffer from Mr Stanhope's office at the time, who obviously relayed the details of a confidential discussion with the Tharwa community, which essentially led to the last-minute changes to the Education Act, preventing the Tharwa community from activating their plan B—which was to open a community school.

There is also the matter of a conflict of interest in the Chief Minister's office, which was brought to light in documents obtained under FOI and reiterated in the inquiry. There is a perception amongst the community that this conflict of interest had influence and played a part in closing the viable Flynn primary school in preference to a school with smaller enrolments where this employee of the Chief Minister was involved as a parent.

The confidence of this community was betrayed in the most underhanded way. It seems that once the government got wind that the community were not going to allow their schools to close without a fight they did what they do best—they got down and dirty and showed disregard for the due process that these decisions deserved.

The school closures inquiry report delivered many damning findings that highlighted how the minister for education at the time, Mr Barr, proceeded to close schools for no sound reasons, based on flawed data, with invalid information on school size and school performance and with no social impact study whatsoever.

The misrepresentation of significant evidence that suggested that small schools were viable, namely Professor Caldwell's report, is another failure on this government's behalf. Professor Caldwell's research was clearly misrepresented and skewed to suit the purpose of the government. The education committee agreed that the research findings of Professor Brian Caldwell were misused and should not have been used at all to justify school closures. The minister was also given a gentle slap on the wrist by Professor Caldwell himself in a letter to the committee.

In each formal notice of decision to close 11 primary schools in 2006 the research of Professor Caldwell was cited to justify closing the school because it had fewer than 300 to 400 students. The notices stated that the school concerned was too small, based on Professor Caldwell's research, and was more than likely unable to provide an adequate education because of its size. However this contradicts the professor, and the committee's report at page 47 cites the professor as follows:

> There is to my knowledge no evidence to support a conclusion that primary schools of less than 300-400 students are necessarily less educationally effective because of their size.

On pages 46 and 47 the professor is quoted as saying:

> … research has repeatedly found small schools to be superior to large schools on most measures and equal to them on the rest.

The committee's report goes on at page 47 to conclude:

> The committee has concluded that Professor Caldwell's research had been used to support a particular policy conclusion when it supports the provision of quality education services in school settings of various sizes including in small schools. The committee also observed that this interpretation had been used to support a decision-making process without significant contact or verification of the interpretation from the author.

This is completely misleading. If this part of the evidence used to close schools was misrepresented, how on earth can we trust the rest of the so-called evidence? The community was, quite rightly, incensed by these revelations of the minister's misrepresentations, and the community as represented by the Save Our Schools Committee called on the minister for education to resign. I quote from the media release dated 20 September 2009:

> Save Our Schools today called on the ACT Minister for Education, Andrew Barr, to resign because he misused research evidence in his decisions to close schools.
>
> SOS Convenor, Trevor Cobbold, said that the Legislative Assembly should pass a no confidence motion in the Minister if he fails to tender his resignation.

Mr Cobbold is quoted as saying:

> The minister has no choice but to resign following the Assembly report on school closures which shows that he misused research in his decision to close small schools.
>
> The minister has been indicted by the Education Committee of the Legislative Assembly for wrongly using the research findings of Professor Brian Caldwell on small schools to justify school closures. He has been repudiated by the Professor himself. He has been effectively condemned by his own Labor colleagues on the Education Committee.

Mr Cobbold's press release goes on for quite a few paragraphs, and I will not read all of them into the debate today. In the Towards 2020 documents, statements of education performance based upon student testing data were included contrary to protocols for their use, although it must be noted that they were later removed from the public website.

In 2006, the Chief Minister denied that student outcomes performance based upon testing data—ACTAP—was used in deciding which schools to close, but Minister Barr confessed at the inquiry this year that it was in fact the determining factor in whether or not a school closed.

Hundreds of pages of documents and the Costello functional review have been withheld from the public for three years now; another clear example of the disdain and contempt paid to the community by the minister for education, Andrew Barr. New members of this government, and I am of course referring to Ms Burch in this instance, have especially failed to address their predecessor's mistake. Let us hope this is not the case when Ms Burch takes over her ministerial portfolios.

Instead of standing up for the communities she represents, we have Ms Burch referring to schools such as Hall and Tharwa as boutique schools, as if they were a luxury not a necessity. I would like to suggest that Ms Burch take a drive down to Tharwa. I hazard a guess she may receive a fairly cold welcome similar to that of Mr Hargreaves; nevertheless it would be worth while for her to see for herself what has happened to that community over the past three years without their community and social hub, a primary school.

Looking to the future, these schools highlighted in the opposition's motion today can and should be reopened. The case has been made and the communities are willing and able to ensure that this happens. They will look to the future with a renewed sense of hope as a result of the decisions made here today. We must pay credit to the devotion and diligence with which these communities actively fought for their schools, and that continues to this day.

The Hall P&C Secretary, Maryann Harris, said during the public hearing:

> I feel quite sure that parents of younger children, particularly parents who have children who may have not yet started school, will be very keen to return to Hall. Also, new parents, parents whose children either are disaffected in the super schools of Gungahlin or have moved into the area recently or their children are just growing up and are ready to start school soon will all be available to come back to Hall. It had an excellent reputation at the time. It met the needs of people looking for that sort of school. Those people still exist.

Roger Nicoll, from the Flynn Community Group, also said at the public hearing:

> A safe, locally accessible school and early childhood and intergenerational community hub will produce the optimum long-term effects and flexibility for the ACT government and the community. The annual benefits will outweigh any short-term gain from selling off the land for housing. This will be most obvious in terms of the improved social capital in a suburb, as we said before, without

> any other social infrastructure—no shops, no schools, no churches. Through early intervention and improved social inclusion, the hub would reduce the burden of government costs in the areas of health, welfare, crime prevention and rehabilitation.

In conclusion, I urge my colleagues to support this motion. The Greens cannot honestly sit back and wait for three months for a government response to the inquiry. They know what the government will say. They know in their heart of hearts that Mr Barr will not back down, and will not ever admit he was wrong. He has not done this yet and I fear he will never yield to the overwhelming evidence before him.

The power to do the right thing is completely in the hands of the ACT Greens, and I urge them again to follow through on their commitment to the communities of Hall, Tharwa, Flynn and Cook and vote with us on this motion. There is a line in the sand now and it is up to them to cross it.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (10.17): The government will not be supporting this motion. It is a cynical political stunt. We will respond to the committee report in due course, as I have indicated to the Assembly previously.

In closing, can I again reiterate the government's position that not one cent will be taken from any other ACT school to fund recommendations contained within that committee report. We will not be ripping capital away from any of the programs and projects that are underway in ACT public schools at this point in time, so all school communities can be assured that their present levels of funding for their present capital works programs and their present resources as allocated by the Department of Education and Training will remain entirely unaffected by any recommendations of the committee. The government will not be supporting this motion.

Motion (by **Ms Hunter**) put:

> That the debate be adjourned.

The Assembly voted—

Ayes 11		Noes 6
Mr Barr	Ms Hunter	Mr Coe
Ms Bresnan	Ms Le Couteur	Mr Doszpot
Ms Burch	Ms Porter	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher	Mr Stanhope	Mr Seselja
Mr Hargreaves		Mr Smyth

Question so resolved in the affirmative.

Mr Seselja: Mr Speaker, am I able to move now that this be listed for debate at a later hour this day?

MR SPEAKER: That is the question I was just about to put. Is it the wish of the Assembly to adjourn this matter to a later hour this day, or a later day? Mr Barr, what is your position? A later day?

Mr Barr: Not today, no. I mean, whatever the Greens—

Members interjecting—

MR SPEAKER: Order, members! I am going to put the question that the matter be made an order of the day for a later day. That appears to be the will of the Assembly.

Question put:

> That the resumption of the debate be made an order of the day for the next sitting.

The Assembly voted—

Ayes 11		Noes 6
Mr Barr	Ms Hunter	Mr Coe
Ms Bresnan	Ms Le Couteur	Mr Doszpot
Ms Burch	Ms Porter	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher	Mr Stanhope	Mr Seselja
Mr Hargreaves		Mr Smyth

Question so resolved in the affirmative.

Supermarkets—competition policy

MS PORTER (Ginninderra) (10.24): I move:

> That this Assembly supports efforts to increase competition in the ACT's supermarket sector both at the retail and wholesale level.

I am very happy to move this motion this morning that this Assembly supports efforts to increase competition in the ACT's supermarket sector. The ACT government is committed to promoting diversity and choice in Canberra's retail and wholesale supermarket sector. We believe further competition is good for all Canberrans and will inevitably result in a wide range of benefits including lower prices and increased choice for all Canberra consumers.

As members know, in June 2009 John Martin, former commissioner of the ACCC, was appointed to review the ACT supermarket competition policy. John Martin was a commissioner on last year's national ACCC inquiry into the competitiveness of retail grocery prices, so he was the ideal person to undertake this review.

The ACCC inquiry considered Australian consumers would significantly benefit if Coles and Woolworths faced more competition that encouraged more aggressive

pricing strategies. The ACCC recommended actions to lower barriers to entry and expansion in both retailing and wholesaling to independent supermarkets and potential new entrants. The ACCC considered that more regard should be had to competition issues in considering zoning or planning proposals. The specific recommendation from its report in this respect states:

> … all appropriate levels of government consider ways in which zoning and planning laws and decisions in respect of individual planning applications where additional retail space for the purpose of operating a supermarket is contemplated should have specific regard to the likely impact of the proposal on competition between supermarkets in the area. Particular regard should be had to whether the proposal will facilitate the entry of a supermarket operator not currently trading in the area.

The ACCC also expressed the view that Metcash's wholesale arrangements with suppliers could make direct dealings between suppliers and independent retailers economically unattractive and enable Metcash to inhibit competitive supply.

As is evidenced by the terms of reference, John Martin's review essentially sought to examine the adequacy of the ACT government's supermarket competition and the current competitive dynamics of the ACT supermarket grocery sector, as well as identify the likely future trends in the Australian supermarket grocery sector and how these are likely to play out in the ACT.

This review also sought ways that the ACT government can support effective and sustainable competition in the grocery sector, the implications of government action for the wholesale sector and, in the context of the findings, develop an overarching policy framework to guide the long-term development of the supermarket grocery sector in the ACT. The terms of reference also indicated a desire to investigate a flexible approach open to policies, procedures and processes that might be applied on a site by site basis to ensure site allocation supports the ACT government's long-term policy objectives.

Importantly, I believe, the terms of reference also refer to the role of the local planning authorities in supporting competition policy. John Martin was also asked to advise on any current supermarket development proposals seeking ACT government support. The process for undertaking the review involved in-depth discussions with key stakeholders, ACT planners and other arms of government and called for submissions to establish how planning regulations, decision making and development facilitation affecting retail grocery competition have been working in the ACT.

The community engagement strategy played a vital role in formulating the recommendations. Five community consultations were conducted, one in each of the four town centres, Tuggeranong, Woden, Gungahlin and Belconnen, and in the city centre. The consultations were an opportunity for members of the public to provide input into the review. I attended the consultation session in Belconnen, as did Mrs Dunne. There has also been considerable community interest generated on the social media, with footage of John Martin's presentation available and accessible on the internet.

The key findings of the Martin review are, firstly, that supermarket competition policy in the ACT requires substantial overhaul to address impediments in the planning and development regime. The rigid hierarchy of retail organisations in the ACT is not conducive to an environment of competitive tension now or in the future. It was also noted that the ACT's land and planning regulatory system should take much stronger account of competition outcomes in the supermarket sector. It should do this by reference to a formal competition policy framework that addresses the planning barriers to new entrants.

The review also concluded that entry of new full-line independent supermarkets and new stores should be facilitated in the new town centres of Gungahlin and Molonglo. Entry of further full-line independent supermarkets and new stores should also be allowed in group centres in the ACT. Independent supermarkets in local centres should be permitted to expand to allow them to compete more effectively for local shoppers. The review also noted that stronger supermarkets in local centres will also help to revitalise centres that are in decline. The review found that urgent attention should be given to the redevelopment of Kingston and Dickson to include facilitating the entry of new stores and further full-line independent supermarkets.

Importantly, the review found that there needs to be more systematic cooperation between ACTPLA, the LDA, Treasury and the Chief Minister's Department in supermarket planning and related competition policy. A forum should also be created to engage with industry stakeholders more actively and include the views of consumers. The review found that the ACT government should facilitate direct land sales or restricted auction on a case by case basis to promote new entrants that engender competitive tension. And, finally, the review found that the ACT government should support the establishment of additional wholesale operations in the ACT as a way of supporting independents and creating a stronger market for locally supplied goods and produce.

The government welcomes the Martin review and supports the recommendations. It believes that the implementation of the recommendations will promote further competition in both the retail and the wholesale supermarket sectors. An implementation plan is currently being developed by the Chief Minister's Department and has a deadline of eight weeks. This again shows the commitment by the ACT government to capitalise on the interest generated by the review and to accelerate business investment and employment in the ACT.

The ACT is the first jurisdiction to provide a comprehensive response to the ACCC retail grocery inquiry in 2008. The response to the review by industry, the business community and various community organisations has been positive. Industry participants have expressed support of the new policy and have acknowledged that the new policy will "provide a window of opportunity to further grow their businesses, increase their buying power and become true competitors to the two major chains". Some concern, however, has been expressed that the IGA retailers might be excluded from sites, given their relationship with Metcash. It is not intended to exclude IGA stores from site consideration. On the contrary, the IGA network will be encouraged to expand at the local centre level.

Following the government's announcement on 7 October 2009, there has already been significant interest expressed by potential new players in the Canberra retail supermarket sector. As the Chief Minister noted, the ACT is "open for business" and welcomes further investment from new and existing players in the ACT. That is why I am calling on the Assembly today to support this motion, to support the efforts of the ACT government to increase competition in the ACT supermarket sector. The ACT government, as I said, is committed to promoting diversity and choice in Canberra's retail and wholesale supermarket sector and we believe that further competition is good for all Canberrans and will inevitably result in a wide range of benefits, including lower prices and increased choice for all Canberra consumers. I commend the motion to the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (10.34): I can see now why the government were so keen to gag debate on the previous motion. They are hoping the day will go short by just having nothing to say. We had one minute from the minister on the previous motion and then a gag. Now we have had just a few minutes from Ms Porter. They are interesting tactics that are being employed today.

There are a number of important issues to discuss in relation to supermarket competition policy. This is something that nationally has been an ongoing debate for many years and is an important debate. There is no doubt that the big players, Woolworths and Coles, do have a very large share of the supermarket turnover in this country and indeed in this city.

We in the Liberal Party believe very strongly in competition. We want to see more competition right across the board. We want to see competition in our supermarket sector. We want to see competition, for instance, in our building and development industry; something the government of course has stifled in an ongoing way in the way that it has used the LDA and in the way that it has handled land release. So this is a government that does not actually support competition across the board.

This is a fairly broadly worded motion from Ms Porter. It is effectively a motherhood statement, and I cannot imagine that anyone in this Assembly could vote against it. It "supports moves to increase competition". Yes, tick; we support moves to increase competition. The question going forward will be how we go about that. We are due to receive a briefing, I believe very soon, on this issue from Mr Martin in relation to his report, and we look forward to looking in more detail at some of the provisions. As I said last week, there are a number of positive initiatives in the report that was handed down recently.

Opening up competition in our group centres is particularly important. There is no doubt, if you look around town, if you look around, say, on the south side of Canberra, that the best prices, the best value shoppers get in their supermarkets, tend to be where there is a number of supermarkets competing; there is simply no doubt about it. If you compare the prices at the Tuggeranong Hyperdome, for instance, where there is competition, with those in the group centres, where there is just one supermarket, the prices and the options for consumers are far better at the Hyperdome. That is something we want to see expanded. So the government should be encouraged to look at ways of opening up competition in our group centres.

On the north side, we know that Dickson has been identified. Dickson clearly is a group centre with one of the highest-turnover Woolies, I believe, in the country. There is clearly a lot of demand there, and no doubt the good people of the inner north, and indeed Gungahlin, who access Dickson shops would like to see competition there and prices pushed down.

So there are a number of things worth supporting. There are also a number of things that need to be clarified and issues that need to be examined further, and I think that is the process we will now undertake. It is worth looking at some of the comments around, for instance, Kingston. We know that there is a push to have a large supermarket in Kingston. The question will be: what kind of process is put in place to ensure that the people of the inner south get a good deal when that occurs? I understand Woolworths have sought informal clearance from the ACCC to enable them to participate in any future sale process for the Kingston car park site.

After a 40-day assessment the ACCC noted that Woolworths does not own another site within five kilometres of the Kingston site and said:

> The ACCC considered the possibility that if Woolworths does not acquire the site another supermarket operator may open a store at this site. Such an entrant may compete effectively and increase competition within the local market. However, the ACCC did not consider that the difference between the state of competition if Woolworths acquires the site and the likely level of competition without the transaction was sufficient to constitute a substantial lessening of competition.

On the issue of Woolworths opening a Giralang store, the ACCC stated:

> The ACCC considered that the proposed acquisition was unlikely to substantially lessen competition in any relevant market. In forming this view, the ACCC noted that by establishing a new supermarket in Giralang Woolworths would be adding to the number of supermarkets competing in the local area and would be likely to continue to face competition in that area.

It is worth reflecting on Giralang and the experience there in relation to the proposed Woolworths which was rejected. We are getting really mixed messages across the government on competition policy even as they relate to supermarkets. On the one hand, they say they want competition, but they are knocking over supermarkets. No doubt the people of Giralang would have been very pleased to have a Woolworths at their local shops, but that opportunity was denied them. The ACCC has stated that it actually would have increased competition in the area rather than lessened it. So we are getting some mixed messages from the government. The government's record on competition policy is poor across the board, and indeed we have seen that with the decision in Giralang. We saw a decision to knock back a Woolworths. The people of Giralang lost out, and there is indeed less competition in the area.

We have seen a number of stakeholder views. An excerpt from ABC online states:

> But NARGA CEO Ken Henrick says he is worried about the restrictions on new entrants to the ACT market.

> "Anybody bidding for a site would need to be a full-line retailer and competitor to the major supermarket chains, demonstrated ability and infrastructure to run several full-line supermarkets," he said.
>
> "That would effectively rule out every family-owned business in Australia."
>
> He says it will encourage foreign companies to expand.
>
> "What it would do would probably, certainly, allow Supabarn to open additional sites and that's a good thing," he said.
>
> "But it would also facilitate the entry of foreign competitors while keeping out Australian family-owned businesses."

An IGA owner contacted our office and he states that he is "concerned that the eligibility criteria being developed for land tenders will be used to exclude me from the process". He said, "I want to be able to tender for new land releases. I will bring competitive tension to the ACT supermarket sector."

I think this is the critical point and this will be the critical point of discussion going forward: the restrictions on Metcash associated entities or controlled entities. It appears very unclear at the moment. Notwithstanding Ms Porter's statements, there is nothing that has been publicly said which clarifies exactly which IGAs will be precluded from bidding for some of these sites.

I would say again that the question needs to be asked: why would we want to exclude a Supa IGA from bidding for some of these sites in direct sales? Why would we want to keep them out? We only have to look at the example in Karabar, where the ACCC did step in and said that Woolworths coming in and getting the site would not enhance competition. But then there was a tender, or some form of process, where indeed there were a number of bidders and a Supa IGA actually was opened. I have spoken to the owners of that Supa IGA and a Supa IGA in Hawker and the question from them is: why should we be excluded from bidding for these sites?

If the result, and it is unclear, is that these groups, these local businesses, who have a strong local presence in Canberra and in the region, end up being excluded from bidding, the effect of that would be to lessen competition and the effect of that would be to preclude local businesses from growing. We are great supporters of Supabarn as a local business. It will be a wonderful thing to see Supabarn expand and compete more and more with Woolworths and Coles. But, likewise, other competitors like Supa IGA and others should also be encouraged.

So this is the question we have which has not been resolved. Hopefully if the Chief Minister speaks he can give some clarity, particularly around Metcash and where those restrictions start and end, because, Chief Minister, I had a conversation with the owner of the Hawker store, and I understand he emailed your office seeking some clarification. We have not heard the outcome of that, but we hope the Chief Minister is able to enlighten us and allay some of those fears.

We do not want to see, in the move to increase competition, which we support, and in the move to make some very positive moves, a situation where we artificially restrict other competitors or other local supermarket owners from having the opportunity to bid for some of these sites. So we are seeking clarification on that, and I hope that the Chief Minister can give us that.

There has been a lot of commentary around this issue, around whether it will increase or lessen competition. A number of the recommendations have the possibility and the probability of enhancing competition, and if we are satisfied with the detail of those we are very likely to support them. The questions are around where we limit competition and how that is achieved and even, going further, what the rationale is in relation to restricting Metcash. As I said, we are receiving briefings on this, I believe today, but I still have not heard why Metcash in particular should be added to the list along with Woolies and Coles in terms of restriction in the supermarket sector.

So these are some of the outstanding questions we have. We are certainly in favour of increasing competition. We are certainly in favour of utilising some of our planning laws. As I said, I think there is a mixed record there, even in recent decisions in Giralang. We do want to see competition, particularly in some of our bigger group centres, and the positive benefits that that can bring, but I do not want to see particularly locally owned family companies or locally based family companies in any way restricted. That is what we will be looking at very closely, that is what we will be seeking answers from the government on, and we look forward to a response to some of those concerns that have been put by small business owners here in the ACT.

MS LE COUTEUR (Molonglo) (10.45): First I would like to thank Ms Porter for the opportunity to discuss this issue today. As Mr Seselja said, I am sure that everyone in the Assembly would agree that we want to support efforts to increase competition in the ACT supermarket sector at both the retail and wholesale level.

Basically, we think that the Martin report has been a positive report but that the issue, as always with these things, will be the implementation of the report. This is an area that the Greens have been thinking about for some time. Generally, we are pleased with the Martin report. He seems to have tried to do something about the balance between community and commercial, and certainly his take on the wholesale competition is really interesting.

I am also pleased that he picked up some of the issues that the Greens had in their submission. Specifically, he picked up on the issues that I talked about in terms of densifying local centres which are currently unviable and possibly putting more residential into the local centres which are unviable. Mr Seselja talked about the Giralang situation, and I believe that may be—I emphasise "may be"—one of the positive ways forward for the shopping centre in Giralang.

I think John had a very good background, and his emphasis on competition could be very useful and very innovative, not just for Canberra but, if implemented, it will have an impact probably on the whole south-east Australian retail situation.

In terms of the things we are disappointed about, it would mainly be around the accessibility issues, the non-competition issues of supermarkets. Supermarkets are where people have to do their day-to-day shopping and they are the cornerstone of local shops. So they are very important parts of the community. It is very important that they are accessible. It is all very well if you have good, competitive prices in the group centres and the town centres, but for the people who find it difficult to get to the group centres and town centres, that is not a total solution. Competition is important but accessibility for all people to the competitive shops is also very important.

These are the issues which were missed out by the Martin review, because they were not really part of the terms of reference, which did just focus on competition. They did not focus on the role of shops in the community and how people related to their shops in ways apart from just price competition.

As we would all acknowledge, in Canberra, and in fact in the whole of Australia, we have a situation where the largest supermarket chains dominate. They have managed to compete so heavily with the small speciality shops that many of these are no longer viable—the bakeries, the greengrocers, the chemists. So a lot of the market share is moving to one-stop supermarkets, who tend to get their goods at a bulk low-cost price. Small family-owned shops have gone out of business to quite an extent over the last two decades. People are seeing that, as Canberra grows, so do the bigger, non locally owned businesses. Sadly, this is often at the expense of pioneering, locally owned businesses. If nothing happens then clearly this trend is going to continue.

The Greens are concerned about this. We are also concerned about the issues that Mr Seselja talked about, and the issue of an appropriate role when looking at wholesale competition. That is probably the most innovative part of John Martin's report—trying to do something about wholesale competition. I note that if it is successful it will be useful for the whole of south-east Australia.

I quite sympathise or agree with Mr Seselja's comments about it not being totally clear what the criteria are, and that it is not appropriate to rule out small locally owned businesses simply because their only wholesale option right now is Metcash. As I see it, that is basically the problem that Mr Martin is trying to address—that their only option is Metcash. It would seem totally inappropriate to rule out these businesses because they have been victims of the situation. I also agree with Mr Seselja's comments about needing to be careful that we do not end up with the situation of simply supporting foreign-owned businesses because they are not Woolworths and Coles.

As with all of these things, the issue is probably not so much the policy but the implementation. In saying that, I note that in briefings we had with the government they indicated this would come back to the Assembly in December for a more full debate. I think that would be very useful because by December it should be clarified as to how this will actually work as far as Metcash is concerned. The small local supermarkets, the IGAs, will have been able to work out what this would mean for them as businesses. We will have more intelligence than just what was on the front page of the *Canberra Times* today as to how we think this is really going to work. I think it would be very useful to talk about this again in more detail. Clearly, things

will have to be changed, partly in the territory plan and partly in the precinct codes—and I was going to say with the LDA, but I understand that the LDA may not be around for much longer. But the criteria for direct land sales will clearly need to be updated.

The LDA already has a strong policy, which is to ensure that competition and small business concerns are taken into account before agreeing to direct land sales. We say that these criteria should be looked at: whether or not there is a need for a new supermarket in the area; how any new supermarket will impact on other supermarkets and other kinds of shops in the area; whether the application would undermine another nearby local shopping centre; whether or not another supermarket is actually the best use of the site; whether the development would also deliver other new services into the area; whether this development would mean that people were able to walk or ride to their local shops; and whether the proposed development would complement other businesses and services in the community. For instance, establishing chemists near hospitals is obviously a sensible thing to do, as has happened at the Woden hospital. Other criteria that should be looked at are whether the applicant is a local applicant who would support other local suppliers, and other social and environmental impacts.

I go back to local shopping centres, because they are the key way that the community talks to each other. Notices are put up at the local shopping centres. The local school has the school fete et cetera there. You just do not have those at the town centres in the same way. We know that there are problems with local centres as far as our current town planning policies are concerned. Partly, this is a problem with ACTPLA, which does not really have a good process for dealing with complex planning policies which cover a number of locations.

Touching on Giralang again, one of the issues with Giralang clearly is not the impact on the suburb of Giralang itself, which probably would have been positive with a Woolworths development. One of the questions about Giralang clearly was the potential impact on other suburbs, and whether a large development at Giralang would have been at the expense of some of the other local shopping centres. ACTPLA at present does not have a very good way of dealing with that. I must admit that I cannot propose exactly how it should do that. But I think that is one of the issues that is very difficult to deal with. Dealing with each proposal in isolation is not going to produce the results that we want for the city as a whole.

Clearly, the Greens have always supported neighbourhood planning and looking at what each suburb and each neighbourhood wants in terms of its shopping centre and providing plans for revitalisation.

The other problem is that we are in a capitalist society. Once the land has been leased to the developer, what they do has to be consistent with the territory plan, but once it has been leased, given that it is consistent with the territory plan, the only say that the government then has is in the built form of the development. It does not have a say in whether that supermarket is going to be operated by Supa IGA, non-Supa IGA, Aldi, Woolies, Coles or whoever. After it has been leased, it is just a matter of looking at whether the setbacks are correct and the traffic is going to be reasonable et cetera. Those are clearly not the only things that are important.

The local centres are changing. Many of them were designed in the days when there were one-car families or single-car families and people used to walk to the shopping centres and the schools, which were put in the middle of the suburbs, and that was what was accessible then. Today, unfortunately, we could say, most people are driving, and they are not driving through the middle of their suburbs, unless it happens to be on their way home or they are picking up the kids from school. Part of the problem with local shops is that they have become invisible. You drive around Canberra and you do not see any shopping centres. How can the shopping centres promote themselves when they are all but invisible?

One of the ways possibly will be to change the planning rules so that we allow two or three-storey mixed residential developments, and around the local shops there would be a captive, as it were, local population who would use them and make them viable as convenience stores. I think that more of this could happen with the local shops, some of which are in trouble. I am very pleased that Mr Martin's report took up that recommendation from the Greens' submission.

I note in this context that the master plan for Braddon has a mandatory level of commercial use on the ground floor across the whole proposed redevelopment area south of Haig Park, with residential use above. That sort of mixed use development will add life to the area. I nearly said mixed life development, and that is kind of what we are talking about—a mixed life development. That is the sort of thing that we think may enliven our suburbs, as well as our inner suburban areas like Braddon.

Finally, I am in furious agreement with the two other parties in support of supermarket competition in the ACT, but I think it is important to look at the other issues, and I look forward to the continuing debate on the implementation of Mr Martin's very interesting report.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (10.58): I too am pleased to stand to speak on this motion. I welcome the contributions others have made to the debate. I acknowledge the comments that both Mr Seselja and Ms Le Couteur have made. To the extent that the devil will be in the detail in relation to implementation is a point that is well made. It is a sentiment that the government acknowledge. We acknowledge that the process of implementation of the Martin report recommendations will be vital to the success. I will touch on that process in a minute, but I do not dismiss the legitimacy of the sentiment that both Mr Seselja and Ms Le Couteur have expressed in relation to that.

In accepting the recommendations of the Martin review, the ACT government have become the first state or territory to accept the challenge thrown down by the ACCC to promote greater competition in the retail supermarket sector. We could have done nothing, a course that I think some others, some within industry and some with vested interests, believe we should have followed—in other words, the do nothing option, which we do not believe, in relation to competition and support for consumers, was an option at all.

We could have simply refined our policy on the basis of a hunch, as some others urged us to do at the time that the Martin review was first announced. Instead we chose the path of evidence-based policy making. We engaged an independent expert who consulted deeply with the community and with the industry. We considered his findings, weighed his judgement and experience, and we listened. In listening to John Martin we have also listened to our community, because it is our community's views that are reflected in the recommendations of this most expert and thorough review. It was not overly surprising, I think, to see some of the objections and some of those that have objected to this particular proposal. I think there is a degree of quite patent vested interest in those that would oppose reforms such as those that have been mooted.

It is relevant that I provide, albeit in a truncated and potted way, some history of retailing in this city to provide some context for what it is that we are seeking to do. That context really is around the creation in Canberra, probably uniquely in Australia, of a formal hierarchy of town, group and local centres. The hierarchy was historically designed to meet three basic types of shopping trips: trips to local centres to provide goods bought daily—milk, bread, the missing ingredient for the night's meal—trips to group centres for weekly grocery shopping and trips to town centres to primarily meet the need for higher order goods which were bought less frequently and for which customers would travel further.

The hierarchy has been an important management tool for allocating commercial activity with the intention of ensuring good accessibility to retail facilities, coordinating infrastructure and providing certainty of amenity to residents. The development of retailing in Canberra has been somewhat unique in that government has exercised control over land distribution under the leasehold system. I must say that the only real criticisms of the Martin report that have been aired to my knowledge so far have been grounded, I think, in a presumed ignorance of that fact and of our history.

The potted history just given is not intended to suggest that our retail hierarchy has remained static. As we know, it has not. It has been modified to respond to social and economic changes and to accommodate a changing retail format. ACTPLA's modern approach to local, group and town centres is based on the rigorous application of data collection and analysis in relation to the socioeconomic characteristics of the population, the forces shaping retailing and an appreciation of the administrative, legal, physical controls and financial tools available to achieve objectives. Generally, I think it has to be said that it does work reasonably well.

But what sort of government would admit there is no longer room for improvement, no need for socially progressive policy making? Grocery retailing is a fast-moving feast. Product range, shopping hours and workforce participation by women all contribute to a need for vigilance and, where needed, change. The Martin review highlights certain rigidities in the existing retail hierarchy, a hierarchy in which supermarkets are inevitably anchor tenants.

For example, group centres evolved in the period from the 1960s in response to the emergence of larger scale supermarket retailing. More recently, as work and social

patterns have changed, they have become a focal point for fast food, coffee shops, restaurants, bars and specialty stores. The existing 17 group centres at Calwell, Charnwood, Chisholm, Conder, Curtin, Dickson, Erindale, Hawker, Jamison, Kaleen, Kingston, Kambah, Kippax, Manuka, Mawson, Wanniassa and Weston account for 38 per cent of supermarket floor space and 43 per cent of sales.

One of the main themes of the Martin report is the need to upgrade group centres and the need for flexibility in planning to increase competitive tension in these centres. Until recently there has been a rigid adherence to a model of one full-line supermarket per group centre. The review mounts strong arguments to increase the number of full-line retailers in some of the group centres. The entry of Aldi in four group centres has also provided an important competitive dynamic in the centres, notwithstanding that Aldi are not and do not purport to be full-line supermarkets.

John Martin found that a significant impediment to the redevelopment of group centres was the fragmentation of ownership and, in certain centres, a lack of coordinated will by owners to upgrade. Throughout the public consultation Jamison and Weston were highlighted as examples of group centres that had been upgraded through coordinated efforts to accommodate another supermarket, Aldi, in both instances. Canberrans were clear about the positive effect this had had not only for consumers but for the smaller independents such as IGA.

If there are any among us today tempted to froth at the mouth at the notion of restricted auctions or direct land sales and the patent discrimination this entails against Woolies and Coles, I remind the chamber that Aldi was assisted into the ACT by direct sales of land in its first three sites. I defy anyone to suggest that Aldi's assisted entry has damaged competitiveness in the grocery market, has been bad for Canberrans or has injured anyone. Who seriously suggests that the fact that the government assisted Aldi into the Canberra market through direct grants for three of its seven sites has in any way damaged Canberra or anyone in Canberra?

So to the local centres. The ACT has rightly placed emphasis on ensuring the provision of local centre convenience supermarket shopping. ACTPLA's stated approach to local centres is to allow the market to determine how existing local centres expand in a way that is consistent with public amenity and enables those stores to provide a more competitive offer against full-line stores in larger centres and to space local centres in developing areas either more widely or apply more flexible conditions.

The review felt this adequately combined competition and planning requirements. It was also felt that ACTPLA's approach should be reinforced, subject to regular market feedback. For existing local centres facing sustainability pressures, conversion to intense, multistorey residential usage combined with a proportionately scaled commercial and convenience usage could be adopted. This process would be subject to regular market feedback.

The review recommended that in relation to local centres no artificial constraints should be placed on supermarkets in appropriate centres to expand in a way that was consistent with public amenity. In addition, the viability of local centre independent stores could be boosted if opportunities to increase independent wholesale competition are taken up by that market.

The small independent stores located in local centres do not compete on price with the major chains and they do not claim or pretend to. But many have different or niche offerings. Independents can compete and can differentiate, but they do it not through price but through product diversity, quality of service, community support and convenience.

The Martin review recommends that the ACT government establish procedures and competition criteria to enable it to encourage the entry into the marketplace of suitable independent full-line chains, along with a greater number of Aldi stores in new and redeveloped group centres. The report recommends that the competition criteria be reviewed and evaluated every three years.

In order to implement the recommendations of the Martin review, the government is establishing a formal mechanism between ACTPLA, Treasury and the Chief Minister's Department, which will be known as the Supermarket Competition Coordination Committee, which has been given the job of creating a strategic and transparent approach to planning and competition issues for the sector in growth areas and existing centres. I think this goes to the point that most particularly Mr Seselja and Ms Le Couteur have made. We acknowledge the need for a process to implement the recommendations. It is not enough to just say we accept these recommendations. We acknowledge certainly that the challenge that now confronts the government and the community is about the implementation of those recommendations. The government will take advice from the newly established Supermarket Competition Coordination Committee, a committee across government, and will give detailed consideration to the sorts of issues that Mr Seselja and Ms Le Couteur have raised today.

I am more than happy to offer briefings and consultation with the broader community, industry groups, the retail sector and members of this place in relation to the methodology that will be adopted and on issues such as Mr Seselja raises, most particularly in relation to the relationship which John Martin identified between Metcash and the independents. I accept it as a genuine issue, Mr Seselja, and I am happy to work through it.

MR SMYTH (Brindabella) (11.09): I will take up where the Chief Minister finished. It is interesting, recommendation 6 and this scrutiny of Metcash and who buys off Metcash. It has raised a great deal of angst in the community, and there are a number of groups that have already approached me, and Mr Seselja has already mentioned people who are afraid that they will be excluded from the tender on the basis of who they buy their goods from. I have a fax from a local businessman who says:

> My business is owned by me, not Metcash. I run it as I think fit. I decide the range and the selling prices. IGA gives me the national buying power and does my promotions for me. I decide to make my store an IGA licensed store as it gives me greater strength to offer my customers a better deal.
>
> It makes my business more responsive to the community I serve. My business is not controlled by Metcash and it is not a subsidiary of Metcash. Metcash national buying power and world class logistics help me compete in the market and serve the consumer better. I am a totally independent business just like Supabarn who also source a similar proportion to me from Metcash.

I think the Chief Minister is right: the devil will be in the detail. The report clearly says in recommendation 6:

> An alternative source of wholesale supply would be encouraged by a restricted approach for particular sites that precluded Metcash-controlled ventures as well as the two major chains.

So I guess the question for the Chief Minister is: what is the wrong percentage? How much can you buy from Metcash before you are excluded? And at what point can you re-enter the market? The report says, two paragraphs above the recommendation:

> As the ACCC Report identified the opportunity exists for the entry of a second wholesaler to compete with Metcash. That could also provide an alternative source of wholesale supply for smaller ACT independents. The most obvious scenario could involve a strategic alliance with the only vertally-integrated full-line independent chain Franklins which currently has 80 stores in New South Wales.

We all know the history of Franklins in the ACT. So, yes, the opportunity might exist, but this is when we start interfering with the market. I want to just reflect on previous attempts in the ACT where the planning system has come head to head with the market as such, and indeed with people's personal preferences—and retail shopping can be a very personal thing.

The report by John Martin into the ACT's retail industry is a most significant report. As we consider this report there are some critical factors that must also not be ignored. Some of these are touched on in the report, but I think they need to be explored further.

First, we must not forget our history. Let us consider the history of Kambah in the early 70s and the early 80s, and it is an area I know well. My family were the first provider of newsagency services into Kambah, into the Tuggeranong Valley. When Kambah was developed there were five retail centres in that suburb. At that time the nearest major retail centres were in the Woden Valley, and we all know as it developed Erindale came on, we saw the Hyperdome, we saw the Woden Plaza expand and initially for a number of years each of those centres flourished. But as the Tuggeranong Valley grew and major retail centres were developed, most of the centres in Kambah closed. Basically, today, there is the Kambah Village with a Woolies store, and the other sites either just do not exist or continue in a very much reduced form.

Consider the same history of Civic. A number of retail premises in Civic have not succeeded over the years. I recall a retailer that started in Allara Street some years ago. It did not last that long. Why? Was it too small? Was it in the wrong place? Was it too far ahead of the evolution of more retail premises in the CBD? Who knows. But it failed.

Ultimately, the market—that is, competitive pressure—will determine what happens in the retail industry, as in all other industries. If we are going to do this for supermarkets, will we do it for other areas? Will we do it in the area, for instance, of landlords and rents? Will we interfere in that way as well?

So we have to ask the question: what does this experience show? It shows that forced planning may work for a while but it does not survive in the long term. I think it shows that personal preferences of consumers ultimately will determine what businesses will succeed and what businesses will not succeed. If we ignore the preference of consumers, we do so at our peril. I will come back to that in a moment.

There are also various imperatives that determine the structure of our retailing industry. Planning decisions provide the basic structure, and the Chief Minister spoke of this. But the success of retailers in developing and growing their businesses and the failure of some businesses and competitive pressures that exist throughout the retail supply chain are also factors.

To these imperatives there are other additional factors. There is a lot of vilification of Woolworths and Coles, but let us just recall that Woolworths and Coles are two of our major retailers, Coles are now part of Wesfarmers. They compete not only in Australia but in an international marketplace. We have had the introduction of foreign retailers into the Australian market, and Aldi has done incredibly well. But the expression of consumer preference for particular styles of shopping has seen the growth of major shopping centres such as the Canberra Centre and the Hyperdome.

Recognising the issues facing Woolies and Coles in competing on a world stage, they are major companies and they also need to be able to compete, but they are also major employers in Australia. They employ tens of thousands of people; they employ many people in the ACT. They generate profits that support their businesses and many of those profits are the dividends that are paid into the superannuation schemes of many of us. Their profits and their dividends are critical to the performance of many of Australia's major super schemes.

These are the problems that we have in getting the balance right. It is imperative when the Chief Minister's committee reports back—I am sure someone in the opposition will take up the opportunity of the brief—that we do get this right, and if we are simply relying on planning I warn you, I caution you, that you are dooming yourselves to potential failure. It might be expedient now, but the problem is that in the past the planning as a tool for controlling markets has inevitably failed.

We need to look at the overall state of supermarket competition in the ACT. On page 59 of the report Mr Martin comments:

> Like the national retail grocery market, the ACT appears to be reasonably competitive in terms of both price and non-price measures, especially since the entry of the Aldi budget stores.
>
> However, the supply of supermarket capacity has fallen behind demand in central Canberra and Gungahlin. Given that population projections 2007 to 2012 show a 50,000 (15%) increase in the ACT population, there will be increasing pressure on supermarket capacity.

And that is when we get back to the retailer that has contacted me. His concerns are that his exclusion will actually deny the people of Canberra the competition they deserve. He says:

> The Martin Report does not expressly acknowledge that independently-owned grocery businesses other than Supabarn are eligible for the new land tenders.

Again, we wait for the detail. He goes on:

> If my business is banned from future land tenders as is suggested by the Martin report, that is unfair. I am an independent businessman no different in any way at all to the Koundouris Group who own the Supabarn chain. We both source from Metcash, which gives us the buying power to compete with the dominant national chain. I should be treated the same as any other independent supermarket owners when it comes to growing my business and building new stores. I am concerned that the eligibility criteria being developed for land tenders will be used to exclude me from the process. I want to be able to tender for new land releases. I will bring more competive tension to the ACT supermarket sector.

So there is the question: on what reasonable grounds will this individual and others who currently operate in the ACT, and do so successfully, who provide viable alternatives to some of the bigger supermarkets and who want to grow the business so that they can ultimately perhaps reach that full-line status, be excluded now?

Why would we exclude any local businessmen? I have a great deal of respect for the Supabarn group; they have done extraordinarily well in standing up to the pressures that Coles and Woolworths can bring to bear and the competition that Aldi brings to the market, and I wish them every success. But I also wish success to all other businesspeople in the ACT who would like to get into the market, stay in the market and, as this gentleman says, provide the competitive tension to ensure that we do remain competitive in terms of both price and non-price measures in the ACT so that shoppers get the best deals that they can.

MS PORTER (Ginninderra) (11.19), in reply: I thank members for their support and their contributions to the debate. I note that Ms Le Couteur and Mr Stanhope dwelt on the way supermarkets and shopping centres in the ACT have developed uniquely and also dwelt on the history that has influenced the way that they have developed. As both Ms Le Couteur and Mr Stanhope said, we need to respond to the way we live, the way we engage in work and who in the family is in the paid workforce. Now, it is most likely that both husband and wife, or both partners, will be in the paid workforce. Other issues are where we spend our leisure time, how we travel to work and how we travel back from work.

Mr Smyth talked about people having personal preferences and wanting to choose where they shop. I would repeat that the ACCC inquiry considered that Australian consumers would significantly benefit if Coles and Woolworths faced more competition that encouraged more aggressive pricing strategies. The ACCC recommended action to lower barriers to entry and expansion of both retailing and wholesaling to independent supermarkets and potential new entrants. The ACCC considered more regard should be had to competition issues in considering zoning or planning proposals. I again quote the specific recommendation of the report in this respect:

> … all appropriate levels of government consider ways in which zoning and planning laws and decisions in respect of individual planning applications where additional retail space for the purpose of operating a supermarket is contemplated should have specific regard to the likely impact of the proposal on competition between supermarkets in the area. Particular regard should be had to whether the proposal will facilitate the entry of a supermarket operator not currently trading in the area.

I think you would agree, Madam Assistant Speaker Burch, that one supermarket in a group centre that is Coles or Woolies is not choice, in anybody's language.

I think we would agree, though, that our local shopping centres are about community. There is something special about them. One likes to go to one's local shops and know by name the baker, the person who runs the post office outlet, for instance, or the news agency. It is an important aspect of our community.

However, with the many pressures that we have been talking about in this place in the last little while, we are now faced with this particular issue, and that is why this review looking into the supermarket and retail sectors has been undertaken, and that is why Labor has commissioned a review.

Mr Stanhope was correct in reiterating the importance of expert decision making based on sound advice and community consultation. I have outlined the community consultation that was undertaken before. I believe that this community consultation was extremely important, as was the online comment that was engendered by the Facebook entry that we had, which is a new way of consulting with the community.

The community's desire to have their local shopping centre, the realities of where people do shop and the need for economic growth must always be balanced, and we cannot take this balance for granted. Mr Smyth is right: we need to continue to work on that, but that is why we have undertaken this review. That is why we will be forming the body that Mr Stanhope talked about. I believe that the Assembly should be supporting this government's efforts to increase competition in the ACT supermarket sector.

We are committed to promoting diversity and choice in Canberra's retail and wholesale supermarket sector. We do believe that further competition is good for Canberrans and that it will inevitably result in a wide range of benefits, including lower prices and increased choice for all of Canberra's consumers. After all, I am sure that we would all want that. I commend the motion to the Assembly.

Motion agreed to.

Hospitals—Calvary Public Hospital and Clare Holland House

MR HANSON (Molonglo) (11.24): I move:

> That:
>
> (1) this Assembly refer to the Auditor-General for independent analysis, evaluation and audit the matter of the ACT government proposal to purchase Calvary Hospital, and to sell Clare Holland House;

(2) without limiting the scope of the audit, the Auditor-General will examine:

(a) operation and compliance with the original and supplementary agreements between Little Company of Mary and government bodies;

(b) procedural fairness of any alterations proposed to these agreements;

(c) any business case used by the ACT government to justify the proposal;

(d) any evidence of:

(i) efficiencies that would be achieved by the proposal; and

(ii) enhanced health outcomes achieved by the proposal;

(e) the methodology, process and data used to value:

(i) Clare Holland House at $9 million; and

(ii) Calvary Public Hospital at $77 million;

(f) the timeframes and methodology used in the ACT Treasury's Financial Analysis; and

(g) the validity of the data presented in the ACT Treasury's Financial Analysis of the proposal; and

(3) the Auditor-General's audit be presented to the Assembly no later than the first sitting day of 2010.

At the outset of this motion today I would like to make the opposition's position on the government's proposal crystal clear, and that is that we will be scrutinising every element of the deal. We will be engaging with the community and we will be making sure that whatever the outcome is it is in the best interests of the community. And what we will not be doing is being rushed into a decision, a pre-emptive forcing of our hands to say that we will either vote for or against, until we are satisfied that we have all of the information before us. I think that is an entirely reasonable and appropriate position to adopt by the opposition and indeed it would be negligent of us to do otherwise.

What I am asking us to do today is to refer elements of the proposal that have been put forward by the government to the Auditor-General for independent analysis as part of the scrutiny process. That is all that is being proposed here and I think that that is an entirely appropriate proposition. It is clear that we do not have all the detail, and that that detail has not been independently scrutinised thus far, and we are still in the consultation process, for what that is worth. So this is just part of that ongoing process.

A number of legitimate concerns have been raised by the community and by the opposition. We will get to them later throughout the course of debate on this motion, but I just highlight that concerns have been raised by groups such as the AMA, the Palliative Care Society, the Catholic Church, the Australian Nursing Federation, the

Health Care Consumers Association, the Australian Salaried Medical Officers Federation and the President of the Institute of Public Administration Australia. There are *Canberra Times* editorials that have raised questions and concerns. You would have seen numerous letters to the editor in the *Canberra Times* expressing the community's concerns; there was a corker there today. Numerous representations have been made to me and to my colleagues and, as I understand it to the crossbench, raising a number of issues of concern with this sale.

I share the legitimate concerns that have been raised in part by members of the community and in particular with regard to the process that has led us to this point. We know that prior to the last election the government had written to the Little Company of Mary seeking a heads of agreement. That is very different from what Katy Gallagher was saying in the debates leading up to the election where she said, "All of our plans are on the table."

What we see is an echo of the school closures debate of 2004 where the Labor government said that there would be no schools closed and then, immediately after the election, commenced the process to start closing schools. What we see here is that the government said, "No, we have got all our plans on the table," but all the time behind closed doors they were in negotiations with the Little Company of Mary for such a significant proposal that will have a huge impact on the way that healthcare is going to be delivered in the ACT.

It is also clear that the Treasurer—or health minister; I am not sure quite which hat she has on for this one—decided only to bring this forward as an appropriation bill after advice from Treasury basically said that she had to. It was in her mind that if she could essentially do this as a cash and asset transfer on the ACT's budget without bringing it forward to the Assembly she would have done so. So to say that she is following a democratic process in allowing the Assembly to have a vote on this is a little bit disingenuous considering the starting point, which was clear, that she wanted to do this without having to follow that process.

A number of people have also raised concerns with the consultation process of six weeks. It is not a normal consultation period. I note that the Greens were arguing for 18 months consultation if a single school should close, but here we—

Ms Le Couteur: Come on, Jeremy.

MR HANSON: Well, that is what you argued, I am afraid.

Ms Le Couteur: Six weeks is the government consultation period.

MR HANSON: You argued for 18 months of consultation if a school were to close, but you are happy with a period of six weeks and, indeed, you were actually happy just simply with a survey being conducted and no consultation on this proposal. This period of six weeks is clearly just tacked on at the end of what is an already locked-in deal between the government and the Little Company of Mary. You think that six weeks is going to suffice; it is not. What we see again, similar to school closures, is that a deal is done, the decision has been made and at the end of the process you tack on some consultation, like a cherry on top.

The opposition have been offered Treasury briefings, and indeed we will take those up on 22 October, to scrutinise the deal. But the concerns that I have are that, if we do raise objections and highlight what we think are legitimate concerns or may be legitimate concerns in the way that this deal has been put together, that will simply be characterised by Ms Gallagher as scaremongering. I refer to her comments—

Mr Stanhope: Opposition for opposition's sake is what it will be characterised as.

MR HANSON: Well, indeed; there you go. Thank you, Mr Stanhope, for clarifying the issue. That is the way you will characterise it. You say: "Opposition for opposition's sake." Ms Gallaher says: "I think from Mr Hanson's point of view he is out here to spoil. He is trying to create fear and misconceptions." That is not the case and that is why I think that, in order to make sure that that is seen for what it is, we should refer it for the independent analysis of the Auditor-General. This will not be me doing the analysis; this will be the independent Auditor-General, so that the sort of glib statements from Mr Stanhope that this is opposition for opposition's sake can be discounted.

We need to look at this proposal from as many different angles as we can. What has been proposed today is that the Auditor-General look at some aspects of the proposal, of the process that has been conducted so far by the government, and that is entirely appropriate. The government has yet to prove that we will actually get any better health outcomes as a result of this deal. There is no evidence being put forward to suggest that would be the case. What is also lacking is evidence that it will actually deliver any efficiencies.

It has been said in the rhetoric, and we have heard it said, that this will deliver wonderful efficiencies because ACT Health will now control the whole thing. But, when you look at the Treasury costings that are put forward, there are no efficiencies articulated. I would have thought that if they were so obvious, if they were so apparent, if they were such an important part of this proposal, a large part of the justification, they would have actually bothered to articulate what those efficiencies would be. There is absolutely no evidence being put forward. I will read from the *Canberra Times* editorial of Monday 5 October:

> But if there are public benefits to having Calvary brought under a public roof, it must be said that it is highly doubtful that there will be many benefits, or any savings, by bringing it under one management with Canberra Hospital. There are, obviously, economies of scales with purchasing and staff. More likely than not, however, Calvary will continue best if managed separately—indeed in some competition with—Canberra. It should be allowed to have specialties, foibles and different styles of management, as well as local management of clinical lists. All too often amalgamation leads to more, not less bureaucracy, stifles rather than allows innovation, and restricts rather than increases opportunity. If that is a consequence of the takeover, it will have been a bad thing.

That expresses a point of view quite clearly, because the government has been unable to articulate what the efficiencies will be and I think there are legitimate concerns that to bring it all under one roof creates more bureaucracy and, indeed, fewer efficiencies. Ms Gallagher has said, "Nothing will change," in previous debates. *Hansard* of 17 June records that I said to her:

> … we are struggling to find any record of the decisions that have led to a point where it looks as though a deal is going to be signed on something that is going to have such a huge impact on the future of Canberra and on our budget.

Ms Gallagher replied:

> It is going to have no impact on the future of Canberra, you fool.

Firstly, I think that that is odd that it is going to have no impact, that we are going to go through this deal of spending $77 million, if it is going to have no impact. But we also do see that now they are claiming that it will have an impact. So why are the government doing this? Why are they moving forward with this proposal? I think philosophically and ideologically they do want to control everything. That is, I guess, consistent with the more socialist ideals of the Labor Party and the Greens, that they do wish to see public ownership of institutions. These are institutions that actually do a good job. There are Catholic healthcare providers in every jurisdiction in Australia and they are doing a great job in Sydney, in Melbourne and, as they have done, here in the ACT.

This decision will also remove choice, and I embrace choice. I think that you have got to make sure that you have a variety of healthcare providers in the ACT to provide different types of services and styles of service.

Another justification being put forward by the government is that of the accounting treatment, that you own the asset so that any future investment put into that site appears on the ACT's books rather than the Treasury books. And the Treasury costings, I note, were done over a 20-year period. The Treasury treatment and the argument for that again show some of the concerns that I have. What we should be doing this deal about and what the proposal should be all about are the health outcomes and the efficiencies—framing it that way—not about a treatment that makes our budget bottom line look better.

My concern is that the health minister, in having a conversation with herself as the Treasurer, instead of advocating for the health outcome, identifying those ideas and articulating them appropriately, is simply putting forward—and you see this when you see the larger justification for this proposal—an accounting treatment to make sure the budget bottom line is better. That again goes to the point I have made previously in this place and in public that you do not have a health minister who is responsible for one-third of the budget double-hatted with the Treasurer who is examining those decisions.

I do have some problems about the detail of the accounting treatment and the justification that has been put forward in terms of the way it is being conducted. If you look at the detail, the depreciation period that has been used is 40 years, and I question whether that is appropriate for all of the assets; certainly the buildings. I do not have a problem with that period; but for some of the non-fixed assets, if it includes all of those, I would have some concerns. And the cost analysis period is 20 years. If you were to use the cost analysis period for the same period as depreciation, you would get a very different result from the $145 million. So you can cherry pick at

what point in the process you want to examine the impact on the Treasury budget. At the 20-year period, if you depreciate over 40 years—$145 million. But I could pick another time in that time scale and come up with a very different result if I wanted to use the accounting treatment as a justification, because eventually after 40 years it has all depreciated and the effect is zero.

We need to look at what the purchase of the hospital will achieve on its merits rather than the accounting treatment. It is $77 million. We want to make sure that that money is being best invested in this deal rather than elsewhere in the health budget. I raise the issues put forward by the Australian salaried medical officers, who said that they had written to the minister and they were very concerned. An extract from the *Canberra Times* stated:

> "We do not agree with large sums of money being paid," wrote federation president, Professor Peter Collignon.
>
> He said the payment would affect the finances available to pay for the delivery of health services for years to come.

Ms Gallagher: But they agree with the sale.

MR HANSON: That is not a problem. I am not arguing with the rationale for some of the aspects for it. But what we want to understand is: is all the detail being put forward? Are all the arguments being put forward appropriate and correct? And that is why I think that this should go to the Auditor-General.

The valuations also, the $77 million and the $9 million that have eventuated as the price: we know that in the process that was put forward at valuation the initial valuation was very different. There have been three valuations done, as far as I am aware. The one done by the government came up with a much smaller figure, the one done by Little Company of Mary was much larger and the one in the middle at the end. What I would like to see is some examination of that from an independent point of view to just make sure that the methodology and the process that have been followed is appropriate. I do not see why anybody would have any concerns with that occurring.

I questioned why Little Company of Mary has embraced this deal and I accept that they have. I would be concerned if it is because of the threat that is hanging over their head that if they do not go ahead with this deal then the money that is being allocated under the CADP would not come to them, the $200 million to $300 million that is to be invested in the north of Canberra. The government have made it very clear that they probably will not be investing that in the Calvary site if they do not own Calvary. In the letter that was written by Tom Brennan to the archbishop on 4 March he says:

> … we were cognisant that the government is considering the investment of up to $300M in new public hospital infrastructure on the north side of Canberra . We took account of the real risk that if the government does not own Calvary Public Hospital the investment will not be there.

So I think that that is a real risk. There are some real concerns there around what is motivating the Little Company of Mary to move forward with this sale. As recently as yesterday in the *Canberra Times* concerns were also raised about compliance with

various agreements and supplementary agreements. I have put that forward for the Auditor-General to examine. If you read the op-ed there are some very detailed points put forward in terms of the analysis of those from a legal point of view. So I think that all of the aspects of this proposal can be put forward to the Auditor-General for independent examination and I call on the support of the Assembly in doing so.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (11.39): I thank Mr Hanson for the motion. The government will not be supporting this motion today. This motion is all about trying to get the Auditor-General to do what, when I read the motion, is a job that the opposition should be doing themselves if they have these concerns. The clear strategy of the Liberal opposition—and I think this has been outlined in an editorial that was not read out by Mr Hanson—is to delay this sale to the point where, they hope, it falls off the government's agenda. Well, that is not going to happen.

Mr Hanson: If you are going to quote from a paper—

MS GALLAGHER: I am not quoting directly from the paper.

Mr Hanson: You said it was in an op-ed.

MS GALLAGHER: It was in an article written by Jack Waterford on the Saturday after the announcement was made. There were comments in that editorial that the Liberal Party were going to seek to delay this proposal. And I think we see the first—

Mr Hanson: No, I think that is incorrect and I will look forward to your retraction.

MS GALLAGHER: We all disagree with things that are written in the paper from time to time, Mr Hanson, but that was written there. I think we see the first example of this in this motion today.

I think it is important that we also understand the role of the Auditor-General. The Auditor-General's position is not one which should determine public policy in the ACT. The Auditor-General has a very clear role, and what this motion seeks to ask the Auditor-General to do—let alone politicising the role of the Auditor-General in what is a genuine debate on matters of public policy—is to become the decision maker about whether or not this is a deal that the opposition should support. I challenge the opposition to actually come up with a view all by themselves on this. Do you believe that the public hospital system in the ACT should be owned and managed by the ACT government or do you think that the public hospital system in the ACT should remain under the status quo? That is a simple question that you guys need to answer. We have put the information on the table.

Opposition members interjecting—

MS GALLAGHER: From all the squealing from the other side, we understand that there is some personal difficulty for members of the Liberal opposition in rationalising what is in the interests of the general ACT community. We understand that. We understand there must be some very strong debates going on within your

party room, and part of your strategy is to delay and to get someone else to do the work that, as an opposition, you should be doing.

Mr Hanson: Independent analysis isn't a good idea? Independent scrutiny?

MADAM DEPUTY SPEAKER: Mr Hanson, you have had your time.

MS GALLAGHER: I should explain that decision making on matters of public policy and matters of legislation rests with this place. This is the decision maker. It is for members of this place, 17 members, to come up with and work together on what they think is the best way forward on management of the public health system in the ACT. There is a consultation process underway. We have released a discussion paper.

Mr Hanson: It's a sham.

MS GALLAGHER: Okay, so you have failed the discussion paper; you do not believe that the financial analysis is fair and the consultation is a sham. What an excellent contribution from the opposition! They are ridiculing anything that is put forward in the genuine interest of eliciting community views. This is what we expect from the opposition—no buy-in, no interest, no constructive contribution.

Mr Hanson: We're trying to buy in.

MS GALLAGHER: No, what you are trying to do is to get the Auditor-General to do your job. Well, she is not here to do your job. You are here to do your job, and you are elected to do your job. If you have problems with the financial analysis by Treasury then you work out what that is and come and tell us. Bring it to us. Make it clear what your argument is. Do you agree on ownership and governance? That is what this is about. The opposition are trying to extend it into a whole range of areas when the critical decision for this place is around the ownership and governance of the public health system in the ACT.

That is the question that is before the Assembly, and it is not a question that can be resolved by the Auditor-General. I would encourage the opposition to get involved in the community consultation process. I met with Mr Hanson to discuss this, and we have got other meetings coming up, and I told him, "I will make available anyone you want me to make available to discuss."

Mr Hanson: The Auditor-General, thanks.

MS GALLAGHER: I can't direct the Auditor-General.

Mr Hanson: Yes, you can, by supporting the motion.

MS GALLAGHER: I cannot direct the Auditor-General. In fact, it goes against—

MADAM DEPUTY SPEAKER: Ms Gallagher, resume your seat for a moment. Mr Hanson, I am going to warn you next time. You have had your say; you have had your opportunity. Now the floor is Ms Gallagher's. Please be quiet.

MS GALLAGHER: In relation to the Auditor-General, it is actually not allowed under the Auditor-General's Act. I quote:

> The auditor-general is not subject to direction by the Executive or any Minister in the exercise of the functions of the auditor-general.

Mr Hanson: It's a referral. It's not a direction.

MADAM DEPUTY SPEAKER: Mr Hanson, I warn you.

MS GALLAGHER: While the Assembly is not included in section 9, I believe that it would be unwise for us to head down a track of a motion like this, which is clearly the Assembly directing the Auditor-General to do certain things. That is the fundamental problem with this motion. You are asking the government and other members of this place to direct the Auditor-General to do certain things, and the government will not support that.

We have made available all the information that is relevant to the question that is being asked in the community at large and ultimately which will be asked in this place if the proposal moves forward to the stage where an appropriation bill is introduced into this place. I have said clearly already that the government have not taken that decision at this point in time. We have a preference, and we have been clear about what that preference is, and that is outlined in the government's discussion paper. But the government have not made a decision about whether or not the proposed agreement should go ahead. That is subject to a process that is underway at this point in time. I would again urge the opposition to genuinely get involved in that process. There are a number of meetings being held. I have got many meetings over the next month in relation to this matter.

The government firmly believes that there are benefits for the ACT community as a whole. I note that one of the opposition's issues is that they want to be made aware of the exact efficiencies and benefits in terms of health services for the ACT community from this proposal. I would say that, indeed, in the information that we have put out, we do go to this point. A cost-benefit analysis has not been done on this proposal because it is not actually looking at changing any of the services or what is delivered, and that would normally form the basis of a cost-benefit analysis.

Mr Smyth: But you are.

MS GALLAGHER: We are not. We have done financial analysis on the matter around ownership and governance.

Mr Seselja: No cost-benefit because there is no real change here!

MS GALLAGHER: That is what it is about, Mr Seselja. Whether or not you disagree with it, it was never pursued as a matter of gleaning efficiencies from the health system. Indeed, this is about investing more into the health system. That is the issue that was facing the government when we looked at this at that point in time.

We believe there will be efficiencies from a single integrated management style but that is not what is driving this. With respect to what is driving this, the opposition are now putting this down to a simple accounting treatment: "It's just a little accounting treatment that we actually don't need to worry about." That is not true. What is facing the ACT health system at the moment is a need to invest significant dollars in the northside hospital.

We believe that if the ACT community is to fund infrastructure to the tune of an additional $200 million, that infrastructure should be owned by the people of the ACT and sit on our balance sheet. We believe that it is important at this point in time to investigate the benefits of that option and, for the first time since this government has been in place, Little Company of Mary have been prepared to talk with us about that possibility.

This is not about changing health systems. It is not about changing the care that is provided at Calvary. It is about building up the care that is provided at Calvary, increasing it, and building high-quality infrastructure. And let us dream ahead: it is about having a wonderful northside health precinct which is served by a contemporary public hospital, complemented by a contemporary private hospital. That is the opportunity that is presented by this discussion that we are having today. It is not about reining in the health budget, changing the services that are provided and all the arguments that we hear being put forward by Mr Hanson. It is a simple question of ownership and governance and where those assets should lie. Should they lie with Little Company of Mary and affect our budget in the way that it would if it was passed on as a grant to a third-party provider or should the ACT community own their public hospital and have those assets sit on our balance sheet? That is the question.

This has not come out of any dissatisfaction with Little Company of Mary; indeed, quite the opposite, which is why we seek to retain their services in the way that is outlined in the proposal. I think what is being lost here is that Little Company of Mary are a willing participant in this discussion.

Mrs Dunne: After you've screwed their arm into a half-nelson.

MS GALLAGHER: They want to sell the hospital to us.

Mrs Dunne: You've told them you're not going to fund them.

MS GALLAGHER: They have accepted the arguments that we have put.

Mrs Dunne: Yes, because you bullied them into it.

MS GALLAGHER: No, we have not threatened. Indeed, in any of the meetings that I have had with members of the Catholic Church, or with Little Company of Mary, I challenge anyone to say that there has been any threat.

Mrs Dunne: Don't you tempt me!

MS GALLAGHER: Well, go on, Mrs Dunne. If you interject along those lines, you come into this place and prove that. We have not ever threatened anybody with a withdrawal of services or funding. We have made it clear that there are difficult decisions facing the government about how we fund services on the north side of Canberra. That is the discussion that we have had, and there are different scenarios.

I think the worst possible scenario to come out of this would be the building of a third hospital. I have been saying that on the public record, so with respect to any threat that the fallback plan is that we traipse off and build a third hospital, I stand here as the health minister and say that would be the worst outcome possible. And it would be the worst outcome because it would consign Calvary Public Hospital to the cobwebs of time, and I am not prepared to do that.

I have put forward a proposal that I think is the way forward, but if this proposal does not get the support of the Assembly or the broader community then we go back to the drawing board about how we manage the investment that we need to make on that site on the north side of Canberra. I believe Little Company of Mary understands that is the government's position as well. But we are not going to sit here and support the politicising of the Auditor-General or asking the Auditor-General to become a decision maker for the opposition. It is simply an inappropriate role. The opposition knows this.

Mr Corbell: Lazy.

MS GALLAGHER: Exactly. It is a lazy opposition trying to delay the difficult decision that they are going to have to make in their caucus at some point in time when they are actually going to have to come out with a position on this. Instead of sniping from the sidelines and taking the view of the palliative care group and then taking the view of the Catholic Church, and chopping and changing between them, you are going to have to come up with a view all on your own. It is going to be difficult for you; we accept that. But the decision makers in this instance are appropriately resting within this chamber. That is where this decision will be taken, and it is wrong to involve the Auditor-General in that.

MS BRESNAN (Brindabella) (11.54): I thank Mr Hanson for bringing on the motion today. The Greens will not be supporting Mr Hanson's motion. The motion appears to be poorly prepared, with little background research behind it. Going through the motion line by line, almost every item is disagreeable because it contravenes legislation, has already been performed or is unachievable. Starting with paragraph (1), if the Assembly were to pass a motion that referred a matter to the Auditor-General, in effect directing her to act in a particular way, we would in effect be contravening the Auditor-General Act 1996.

Mr Hanson: Read the motion, Amanda. It doesn't direct—

MS BRESNAN: Perhaps you should read the act. Perhaps you should do some reading and research for a change. The same goes if we say in paragraph (2) that the Auditor-General "will" do something. It is important that this Assembly respect the independence of the Auditor-General and the legislation that establishes her role. The

most we as an Assembly could do is make a request and then it would be up to the Auditor-General to consider that request. It would be her decision as to whether or not she went ahead with any investigation and what she would consider appropriate as to the terms of reference.

In terms of paragraph (2), the proposal put forward by Mr Hanson today makes me wonder if he has read any of the documents relating to the sale, including the minister's discussion paper on the issue that makes significant reference to the work already done by the Auditor-General on inefficiencies in the current Calvary arrangements.

Mr Hanson: It's not about that.

MS BRESNAN: You might hold it up but it does not seem you have read it, Mr Hanson. It is worth Mr Hanson having a look at that 2008 paper for, through it, the Auditor-General found that, due to a number of structural inefficiencies and the public hospital pursuing cost recovery with the private hospital, the public hospital had effectively been subsidising the private hospital. The media release put out by the Auditor-General that accompanied the report says:

> There have been significant efforts over the years, mostly by the ACT Government, to improve the contractual arrangements, largely without success.

The media release also says:

> Under the cross-charging arrangements, the private hospital is required to reimburse the public hospital for the costs associated with its use of staff, facilities, and services in the public hospital. The current CHC reimbursement systems involve complex calculations and the exercise of judgement. This, as well as inadequate controls, increases the risks of incorrect calculations and potential cross-subsidisation of the private hospital.
>
> Audit examined a sample of major cross-charging calculations by CHC for the months of June 2006, July 2007 and October 2007 and found a number of omissions and incorrect charges.
>
> Audit also reviewed a sample of private hospital patients' records during the period from January 2006 to June 2007 and found that 25 cases were recorded in the Patient Administration System as private hospital patients admitted in the private hospital's Private Recovery (PR) Ward. However, these patients were physically located in the public hospital's Intensive Care Unit (ICU) according to their individual Medical Records. The public hospital subsidised the care of these patients to the benefit of the private hospital.

To quote the Health Care Consumers, an organisation that has a well-informed position of these arrangements:

> The cumbersome cross-charging arrangements were highlighted in the 2008 Auditor General's Report and are a direct result of there being no formal commercial separation of the public and private arms of the Calvary operation. This sale of Calvary Public Hospital to the ACT Government can remove this issue. It can also generate efficiencies by reducing duplication of a range of

> services including human resources and technology and streamline financial, administrative and clinical management within the ACT Health structure.

The question for us as an Assembly is not whether or not inefficiencies exist, for we already know that they do, but whether or not we are happy to let them continue and we are happy to let the ACT taxpayer continue to subsidise the private hospital. It appears that the Liberals are happy to let this occur. It is interesting to note that 30 years ago it was actually a commonwealth Liberal government that set up this situation by gifting the current site to Calvary, and today it is the ACT Liberal opposition that is willing to let it continue. It seems that Liberal policies have not improved with time.

If Mr Hanson is so concerned about efficiencies and really wants to have the best outcomes for the ACT taxpayer, why is he willing to ignore this evidence—the evidence that the Auditor-General herself has already made available to him and his colleagues? I really do wonder if Mr Hanson has read the Auditor-General's report of 2008. I wonder if he has read the minister's discussion paper on the sale of Calvary, for that too, as I have already said, makes significant reference to the Auditor-General's report and her comments on inefficiencies. If Mr Hanson had read these papers, I do not think he would have proposed subparagraphs (2)(a), (d) or (e).

Looking at subparagraph (2)(b), I have the impression that Mr Hanson's reference to any unfairness that exists or could occur is with regard to Calvary private. I would argue, however, that any unfairness that exists is more about the ACT government and the ACT taxpayer. Many constituents are wondering how on earth it is fair that they should have to buy the Calvary facility, when it has been their dollars that have funded it and built it up. The taxpayers are incredibly annoyed but, unfortunately, because of actions taken before self-government by a Liberal government, it is a situation that we are stuck with and now have to deal with.

Looking at subparagraphs (2)(f) to (2)(h) about the valuations, I think Mr Hanson should be reminded of the agreement process between the ACT government and Calvary private. Three valuations have already been performed and agreement in principle has been reached in the middle of the ACT government's and Calvary private's valuations. The valuation process is incredibly dependent on the assumptions made by each party and both parties have been able to view and question each other's assumptions.

It is also worth noting that there are few companies in Canberra who can perform valuations, especially of a hospital. If the Auditor-General were to review the valuations she would have to contract in the expertise, as her office does not have that expertise. But who is there left to contract in Canberra that would be independent? Most of them would probably have been used in the valuation processes that have already occurred.

Finally, moving to paragraph (3), it simply would not be possible for the Auditor-General's Office to perform such a substantial piece of work in such a short time.

Mrs Dunne: Did you ask her, though?

MS BRESNAN: We actually did, Vicki; thank you. If you include the holiday period, her office would only have two months or so to perform the audit. Work like this, if done properly, would take more than six months. We already know the Auditor-General is short of staff and her office is incredibly busy. I also wonder how many other audits she would have to drop and leave aside if she were to take up this work and what other stakeholders she would be letting down.

Mr Hanson mentioned a number of groups who have raised concerns, and I acknowledge that. It is my understanding that the main concern the AMA has raised goes to why we have to pay for Calvary hospital in the first place. I have already addressed this in my speech. Just to note, we have been and continue to be in contact with the ACT Palliative Care Society. From the constituents' concerns that have been raised by us, this will be the main concern that comes out of the consultation process. The Greens have already said that we will be listening to this very closely, particularly about the palliative care facility. We have received positive feedback on the proposal from nurses groups. I acknowledge, however, that Mr Hanson and I may have received different representations from different constituents.

I would also like to refer to a media transcript from this morning, an interview with Tom Brennan. It is in relation to the perception that the money that is given to Calvary for the sale will be taken out of the ACT. He has directly rejected that claim and has said that it is expected that a new Calvary hospital will be developed in Bruce. He has also said that the LCM board believes this is the best way to proceed with public healthcare in the ACT.

In conclusion, I think the motion before us is poorly drafted and poorly researched. Mr Hanson seems to think that there is some great conspiracy at work here. I am sure it makes for a good media bite and that Mr Hanson can say in one sentence that he is seeking greater transparency by asking the Auditor-General to review the sale. But the reality of the situation is more complex and takes more than a media bite to explain. The truth of the matter is that what Mr Hanson proposes contravenes the Auditor-General Act, has already been done or is not possible. The Greens cannot support this motion.

MR SESELJA (Molonglo—Leader of the Opposition) (12.04): Before I go into other matters, it is worth responding to some of what Ms Bresnan had to say. You can often tell when someone is trying desperately to justify their argument. We know that the Greens made up their mind on this issue a long time ago—we had the statements a long time ago—indeed, as they did on the budget. On the day the budget was handed down we recall Ms Hunter holding the budget papers above her head saying, "This is a great win for Canberra and a great win for the Greens."

It is worth reflecting on that because Ms Bresnan was saying that one of the reasons for not supporting this motion was that the Auditor-General was overburdened and did not have the resources. These are the Greens who, on day one of the budget process, waved the budget papers over their heads and said, "This is a win," including the lack of adequate resourcing for the Auditor-General. Did they negotiate? Did they use their position to negotiate for more resources for the Auditor-General? No, they did not. They actually were very happy with the resources that the Auditor-General

was getting. They believed that they were appropriate. What exactly did they negotiate on? They did not get much else in terms of what is in the agreement.

If you are going to argue that it is because they do not have the resources then why are you not out there arguing for more resources for the Auditor-General? Why are you not negotiating for more resources before the budget is passed for the Auditor-General? There was none of that. What we heard from Ms Bresnan was that the decision was made long ago and now we are hearing the justification. The main justification that this was this motion is illegal is ridiculous.

Ms Bresnan: I don't believe I used that word.

MR SESELJA: You said it was in breach of the act, so inherently it would be illegal. It is not. The Assembly is quite entitled—

Ms Bresnan: I wish to raise a point of order, Mr Speaker. I did not say "illegal" at all in my speech, so can Mr Seselja please withdraw that?

MR SESELJA: Mr Speaker, there is no point of order.

MR SPEAKER: Order! Ms Bresnan has the floor.

Ms Bresnan: Can Mr Seselja please withdraw that?

MR SESELJA: Can we stop the clock?

MR SPEAKER: Yes, stop the clock.

Ms Bresnan: I did not say that this was an illegal motion at all in my speech.

Mrs Dunne: On the point of order, Mr Speaker: if Ms Bresnan thinks that she has been misrepresented in that way, she can use standing order 47 at the end of Mr Seselja's speech.

MR SPEAKER: Yes. Ms Bresnan, you might want to think about preparing yourself for the end of Mr Seselja's speech. Mr Seselja.

MR SESELJA: Thank you, Mr Speaker. The arguments that have been put forward are simply weak. They seek to try and justify the decision that has already been made by the Greens, which is that they are going to support this come what may. Our position is that we should look at this and that the government needs to make a case. If you are going to make such a serious decision, you need to make a case.

We heard Ms Gallagher say that they have not done a cost-benefit analysis, but that is okay because this is not such a major change and they are just buying a hospital for $77 million. No cost-benefit analysis when you are purchasing a hospital for $77 million? One would think that the basic analysis that would need to be done by the government in making this decision and in selling this to the community would actually involve some form of cost-benefit analysis.

If we used this money for something else, what would happen? What about the other options? How would they play out? What are the costs of this decision? What are the benefits of this decision? What are the opportunity costs of this decision and what are the benefits of any other proposals? That work has not been done and it has been accepted holus-bolus. This motion is about saying, "If the government are not going to do this work, and they clearly have not, then let's get the independent auditor to actually look at some of these issues and test some of the claims so that we can have some more information on which to make a decision."

Why are the Labor Party and the Greens so afraid of analysis of this? Surely the process that we have going forward, where there is apparently open consultation, should involve this kind of analysis so that the community can look at it with all the cards on the table instead of just the dribs and drabs given to us by the government in relation to their justification.

A number of issues have been raised and they may well be resolvable issues. But they are issues that have been put out by a number of groups, and we are saying, "Make the case in detail. If you are going to have such a significant change, such a significant purchase, such a significant decision, you should be able to back it up with more analysis than we have seen."

We know that Dr Paul Jones, the AMA's ACT president, raised concerns. He said:

> But I find it … hard to get my head around … $100 million—

which is now $77 million—

> give it to the LCM, in order to spend $200 million … over a 10-year period—

on the Calvary site—

> It is also … hard … to understand why you take a service which currently runs to budget and hand it over to … another service which regularly runs over budget and … says, "Please, sir, I want some more."

That was in a statement to the estimates committee on 15 May. Dr Jones raised other concerns in relation to the delivery of services to north Canberra: "I have grave concerns about the ability of any government to give a reassurance going forward that services will not be gradually eroded. It seems to me no government would go to an election and say, 'We are going to turn Calvary into a subacute and rehab centre but it is possible that over time services could be moved or downgraded gradually.' This is certainly the concern being expressed by our members, not one of whom has expressed to me any enthusiasm for the deal."

He is calling for more detail. He is raising notes of caution and we should listen to that. Mr Hanson has indeed been taking up these concerns. We saw the concerns expressed by Professor Peter Collignon, the President of the Australian Salaried Medical Officers Federation, in the *Canberra Times* on 1 October, saying, "We see no justification for the ACT taxpayers giving close to $100 million."

Of course, we have heard the concerns of the ACT Palliative Care Society and the Health Care Consumers Association raising concerns most notably in the *Canberra Times* on 2 October. These are issues that need to be carefully considered, not swept under the carpet. An independent analysis would be very useful to the community and indeed useful to the Assembly, if we are seriously going to be looking at this issue with an open mind. We saw the editorial in the *Canberra Times*. Mr Hanson quoted part of it, but it is worth quoting it again:

> But if there are public benefits to having Calvary brought under a public roof, it must be said that it is highly doubtful that there will be many benefits, or any savings, by bringing it under one management with Canberra Hospital. There are, obviously, economies of scale with purchasing and staff. More likely than not, however, Calvary will continue best if managed separately—indeed in some competition with—Canberra. It should be allowed to have specialties, foibles and different styles of management, as well as local management of clinical lists. All too often amalgamation leads to more, not less bureaucracy, stifles rather than allows innovation, and restricts rather than increases opportunity. If that is a consequence of the takeover, it will have been a bad thing.

Those are some of the concerns that are being expressed in the community. This motion and the Auditor-General looking into these issues would actually test some of these conclusions and assumptions about the likely efficiencies, about whether indeed this proposal would have cost-benefits to the ACT and what those benefits would be. In question time yesterday Ms Gallagher essentially conceded, I think, the fact that there are potential opportunity costs. Those are some of the things we need to look at.

This is an important issue and we need to put it in the context of some of the other things that will be debated today. We will see a push to have the community sector quarantined from any budget cuts going forward—in and of itself a worthy notion but in isolation, of course, difficult to support. On the one hand, the Greens would have us make financial decisions, but on the other, when a major financial decision is made for the territory, a $77 million purchase, requiring some analysis from the Auditor-General and involving a major change in the way that healthcare is administered in the territory, it seems that the Greens are just happy to accept what they are told by the Labor Party. They are happy to accept it with no analysis and no calls for any openness. We see a very different approach where, on the one hand, they call for spending, but on the other, on major spending measures, on major financial and health decisions, they are satisfied with a very basic process. They are opposed, it would seem, as is the Labor Party, to shedding some independent light on this process.

That is what this motion is about today. I commend Mr Hanson for his motion. I think that the arguments that have been made against it both by the Treasurer and by the Greens are flimsy at best. It is really because they do not know if they will like what the Auditor-General says. I commend the motion. The motion is well worth supporting. The arguments against it have been flimsy. I commend Mr Hanson on his efforts in bringing it forward.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.14): As the Minister for Health has indicated, the government will not be supporting this motion today.

There are a number of key points that I believe should be reiterated in this debate, because it seems that the Liberal Party just do not get it. They just do not understand that there are some fundamental issues here that they are clearly choosing to ignore. They are clearly choosing to disregard their responsibilities in this place to have a policy position, to state what it is they believe rather than to equivocate and to avoid the hard decision that they are going to be asked potentially to make in this place in the next couple of months.

The opposition propose effectively that the decision making on this matter should be refered to the Auditor-General. The Auditor-General is an extremely capable public servant, but she is not elected to make decisions; indeed she is not elected at all. What Mr Hanson is proposing effectively is that the Auditor-General be asked to make a decision on whether or not this proposal should proceed. But it is not the Auditor-General who makes decisions about public policy in the ACT; it is the executive, and where necessary this place, when it comes to approval for funding and the making of legislation for the territory.

Less than two weeks ago of course the Minister for Health announced a six-week public consultation process on the issue of the potential transfer of Calvary and Clare Holland House. That process will finish in mid-November and that consultation process will properly inform the government's decision making on this matter. The government have released a discussion paper, we have provided the community with a series of question and answer documents and we have released a full financial analysis prepared by the ACT Treasury on the proposed transfer.

This is the action of a government committed to an informed debate and to a debate that engages the community. The process provides the community with all of the information available to the government itself about the possible purchase of Calvary Public Hospital, including the implications of the transfer on health outcomes of the community and on the territory's financial position. We believe that this process is a comprehensive one.

Of course, in addition to this, should the government take the final decision that it wishes to proceed with the purchase of Calvary public, there will be the need to present an appropriation bill to the Assembly and for that bill to be considered by the Assembly, including through, we would anticipate, the Select Committee on Estimates. This again will provide members of this place with the time that they need to scrutinise the government's proposal, to examine officials through the Select Commitee on Estimates and then to reach a decision. That is a thorough process. That is a considered process.

The attempt to involve the Auditor-General in this debate is of real concern to the government because, as Ms Bresnan pointed out, it is contrary to the clear intentions of the Auditor-General Act. The Auditor-General Act 1996 provides that the Auditor-General is not subject to direction by the executive or any minister in the exercise of the functions of the Auditor-General. What the Liberal Party is saying is that it is all right for it to be not subject to direction as the act specifies in relation to the executive but that the Assembly can behave in whatever way it wants. Either the Auditor-General is an independent officer or she is not. Either the Auditor-General is

entitled to exercise her own discretion about what matters she investigates or she is not. It cannot be one rule for the executive and another rule for the Assembly.

When you read Mr Hanson's motion, it is not a request for the Auditor-General to consider an investigation. It is a motion directing her to.

Mr Hanson: Where does it say that?

MR CORBELL: There is no ambiguity about this. This is directing the Auditor-General to conduct a particular investigation on the terms of the proposal of Mr Hanson, and it even has the gall of requiring the Auditor-General to present her report by a particular date. This is not a request. This is not a proposal put to the Auditor-General asking her to consider an investigation. This is saying very clearly, "You must investigate and you must report by the first sitting day of 2010." That is what the motion says, and it is fundamentally flawed because of that and it is a dangerous attempt by the opposition in that regard.

But this motion is not just flawed in that respect. It is also flawed because it shows no confidence on the part of the opposition for the financial capability of the ACT Treasury to provide detailed financial analysis of what this proposal may mean for the ACT budget. The ACT Treasury has provided a detailed financial analysis of the proposal, including the impact on the territory's financial position as well as broader impacts on the community. That is this government's commitment to providing detailed information to this place and to the community, yet it seems that either Mr Hanson has not read it, as Ms Bresnan suggests, or the Liberal Party do not understand it—or, and I think this is probably most likely the case, they have no regard to the capacity and the professionalism of those dedicated officers in the ACT Treasury. It could even be a combination of all three. Either way, any way you put it, it shows how badly flawed this approach by the Liberal Party is.

Finally, it is very important to reflect on the problems that are posed by the government's arrangements that are currently in place in relation to Calvary Public Hospital and Calvary Private Hospital. These are matters that were of great concern to me when I was minister for health, and indeed it was for exactly the same reasons as Ms Gallagher is proposing this today that I proposed the proposal when I was minister for health—because the governance arrangements create all sorts of problems when it comes to the ability to ensure transferring operations, when it comes to the issue of potential cross-subsidisation between private and public operations and a whole range of issues in terms of efficiencies and economies of scale in such a small public health system.

These of course were identified in the Auditor-General's own report into these matters in May 2008, just over a year ago. In that audit report the Auditor-General highlighted:

> The existing … agreements are complex, out-of-date and do not facilitate the efficient … management of the contractual relationship between ACT Health and Calvary Health Care.

And:

> … the agreements call for a high degree of separation between the hospitals. This has not been achieved, and the lack of clarity and transparency has contributed to difficulties in managing the agreements.

What the Auditor-General is pointing to here is that the very nature of the contractual arrangements leads to this complexity and difficulty. Yet, if you clarify the ownership arrangements, as the government is investigating and putting to the community for discussion, these problems disappear. This is a solution to the problems identified by the Auditor-General and that is a matter which the opposition should have far greater regard to in this place.

The government will not be supporting this motion today. The motion is flawed. The motion attempts to involve the Auditor-General in a way which is completely inappropriate. The motion fails to recognise the detailed public consultation process that is underway, the detailed information that is being provided to the community and the opportunity members of this place would have, should the proposal move to the next stage, to scrutinise it fully.

MS LE COUTEUR (Molonglo) (12.24): Firstly, I would like to agree with my colleague Ms Bresnan and with the government's contributions about the independence of the Auditor-General. While it may well be that what the Liberal Party are suggesting is in fact legal, it is certainly not, as far as I read it, in the spirit of the Auditor-General Act. The Auditor-General is an independent officer and she makes her own decisions as to what she does or does not inquire into. I think that independence is incredibly important, and one of the last things the Assembly should do is try and compromise that.

The second thing I would like to talk about in terms of the Auditor-General is that, as has been mentioned by Ms Bresnan, the Auditor-General is considerably underfunded. Mr Seselja seemed to think this was the fault of the Greens. I am afraid I have to remind the Liberal Party that the Greens are not yet the government. Maybe next term we will be, and we are obviously hoping to be, but so far we are not, so we do not actually have full responsibility for the Auditor-General's funding. If you remember the debates at the time, the Greens did speak at some length on the need for more funding for the Auditor-General.

The situation is that the budget was passed with a certain amount of money for the Auditor-General and, with the resources the Auditor-General has got, basically if she does this inquiry something else will have to not be done. Those are the facts of life. We do not have a magic pudding here; we unfortunately have only a government budget which, while large, is not that large. So the issue, partly, is: is this the best use of the Auditor-General's very limited resources? And I am not at all convinced that it is. The government have said that, obviously, the Auditor-General is not the person to make the decisions, and I think we are all in furious agreement on that: she clearly is not the decision maker.

A related question is: how much could her work add towards the decision making? From my point of view, not being a health expert, one of the most interesting issues in this is the valuation issue in paragraph 2(e) of the motion. There certainly is some attraction in getting an independent body to look at that. However, think about the resources of the Auditor-General. The Auditor-General has not been valuing a lot of hospitals. As Ms Bresnan said, the Auditor-General does not have a huge amount of expertise in valuing hospitals.

Mr Hanson: What's that, Caroline?

MS LE COUTEUR: I have the original of it, too, assuming it is what I think it is; I cannot read it from here.

We already have had three valuations done of the hospital and I suspect it is likely that the Auditor-General would have to buy in external expertise and she would probably find that she was buying in the expertise that one or both of the proponents have already bought in. It is a bit of a waste of money to do that.

The other comment that the Liberal Party have made is that the Greens, in not supporting this, are clearly against consultation and examination of this. That is not at all what we are against. If anything is ever said about the Greens, it is possibly that we are into process and consultation, not against it. But the question as far as this goes is: how much would doing this process add to the public consultation and the debate, given the huge cost in terms of the independence of the Auditor-General in terms of the performance audits that she would not be able to do, in terms of the fact that she clearly does not have expertise in some of the issues that are being looked at here? It is not at all clear to us, given the cost, financial and otherwise, of trying to do this, the cost of the Auditor-General's independence, the cost financially to the other things she should do, the cost, because this is not her area of expertise, of added public consultation. The government is doing some public consultation. It will be in an appropriation bill, which means it will come to an Assembly inquiry, be it the PAC or a select committee inquiry, and at that stage we will be able to go through all the issues of valuation, all the issues that we have got here.

Whilst I have sympathy for the idea of more public consultation and more independent analysis—I am not against those—given all the problems of this suggestion, this is not a motion that will address the issue in a useful fashion.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.30 to 2 pm.

Questions without notice

Taxation—GST revenue

MR SESELJA: My question is to the Treasurer. Treasurer, in its draft report on the distribution of goods and services tax revenue and healthcare grants, the Grants

receipts should be reduced. According to the commission's website, the ACT has not made any further submission on this conclusion. Treasurer, how much will the ACT lose if this conclusion is adopted, and why didn't the ACT make a further submission on this most significant area of funding for the ACT?

MS GALLAGHER: The draft report indicated a number of decisions by the Commonwealth Grants Commission and a number of changes to the distributions across a whole range of areas across government service delivery. The view of the commission has not been finalised. The ACT government is still in contact with the commission. Indeed, there are follow-up discussions to be had that I am aware of in the next few weeks, which cover a whole range of areas. I am very confident that Treasury is arguing very strongly in terms of the discussions that I have had with them to make sure that whatever losses we have in particular areas are picked up in other areas, based on data and evidence, because that is the way these decisions will be made.

At the end of the day, we want to ensure that we get a fair deal in terms of distribution of GST revenue. There are a whole range of arguments that have been put forward. I am not standing here pretending to have detailed understanding or knowledge of every single argument that has been had over the past five years in relation to the review of the GST relativities. But I am very confident that, where there are arguments to ameliorate losses, or indeed to generate positive results for the territory, those arguments have been put forward by ACT Treasury.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Treasurer, what response has the ACT made to the submission from New South Wales that "cross-border assessments only be made where there is sufficient reliable data to demonstrate the cross-border effect"?

MS GALLAGHER: In relation to the cross-border effect, and if we are relating to health, there is extremely reliable data to support the ACT government's claims, outside of the GST. The majority of the cross-border payments do not occur through the GST Commonwealth Grants Commission process; they occur through the New South Wales-ACT cross-border arrangement. But in terms of reliable data I can assure the opposition that the data the ACT has to demonstrate our arguments around costs and the true costs of providing services to people in New South Wales is excellent.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Treasurer, what action are you taking to ensure that the ACT receives proper recognition across broader activities that are funded by ACT taxpayers?

MS GALLAGHER: We are doing it through our engagement with this process and we have been doing it for the past five years. If the opposition have any evidence or anything at all to demonstrate that we are not doing what we are required to do in terms of ensuring the best deal for the people of the ACT, I suggest they demonstrate that with their own evidence or data to support the claims that they obviously hold quite strongly.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Treasurer, why did you respond to the comment as you did?

MS GALLAGHER: I am not accepting that at this point in time. It may not appear on their website, but I am very confident that ACT Treasury have addressed absolutely every issue that has been raised by different governments and indeed by the Commonwealth Grants Commission. Indeed, I am aware of a number of their arguments. I am not necessarily going to articulate that in this chamber while the decision making process is still continuing, but that has been favourably received by the Commonwealth Grants Commission.

What I am concerned about is a political campaign that is being waged against me, attempting to influence or threaten the decisions of the Commonwealth Grants Commission and the credibility of our Treasury to demonstrate evidence-based and good data to the Commonwealth Grants Commission to ensure that we get the best deal. I presume that the opposition share the government's view that we need to get the best deal out of this. At the end of the day, I presume that is what you are after.

Your questions yesterday on small areas of the whole process were all designed presumably to get to the end where we all in this chamber want the best deal for the ACT. I am surprised, because I do not think your behaviour demonstrates that. I think your behaviour and your questioning are trying to indicate that the government are not taking this process seriously, and that we are not engaging. We are engaging. I have stood here and explained the process to you, and the process is ongoing. The Grants Commission are still considering the submissions that the ACT government has taken to them, and indeed I am aware of further meetings to be held. *(Time expired.)*

Deakin swimming pool

MS HUNTER: My question is to the Minister for Planning and concerns ACTPLA enforcing lease conditions. In March this year you informed the Assembly that ACTPLA was preparing a breach notice for the owner of the Deakin pool site, requiring the owner to rectify the breach of lease conditions within six months. Now that six months has expired, could you please explain whether the pool is now open to the public again or whether ACTPLA has terminated the crown lease?

MR BARR: I thank Ms Hunter for the question. I can advise the Assembly that the Planning and Land Authority did indeed issue that breach notice. I can also advise the Assembly that the lessee then appealed that notice to the Civil and Administrative Tribunal. That appeal was lodged in late June, and I understand the parties are currently negotiating under the purview of ACAT and that a final resolution will be reached.

Of course I am not privy to the nature of the ACAT negotiations and the process that goes on there, but there is a formal legal process around the breach of lease conditions. ACTPLA has followed that process in accordance with the law and the lessee has also pursued his legal rights to appeal such a legal response from ACTPLA, and it is with ACAT at this point.

MR SPEAKER: Ms Hunter, a supplementary?

MS HUNTER: Have any other ACT lessees been asked to rectify breaches of lease conditions in the past year, and what has been the outcome of any breaches?

MR BARR: I will have to take that on notice and get back to the member.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Yes. Have there been any terminations of crown leases in the last year due to breaches of lease conditions?

MR BARR: In the last year, I believe that to be unlikely. But, again, I will check the detail with the Planning and Land Authority, who administer this matter. It is not a matter that is ever referred to the minister; it relates to their statutory responsibilities. I am not aware of any being brought to my attention but, if there have been any, I will provide that information to the member.

Economy—debt to commonwealth

MR SMYTH: My question is to the Treasurer. Treasurer, how much notional debt does the ACT have to the commonwealth which is held against assets transferred from the commonwealth, on self-government, for public transport, electricity, water supply and sewerage?

MS GALLAGHER: I will take the question on notice, Mr Speaker.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Yes, thank you, Mr Speaker. Treasurer, what is the cost to service this debt and what is the outstanding debt as at 30 June 2009?

MS GALLAGHER: Of course I have got that figure in my back pocket, Mr Speaker! This is getting pretty pathetic, I have to say.

Mr Smyth: Because you can't answer the questions? Yes, you are right.

MS GALLAGHER: I would be surprised, even for those people with enormous brains, like all the members on this side of the chamber as opposed to those on the other side, if they carried that exact detail in their head and were able to articulate it. If Mr Smyth was genuinely interested in this, I believe he would advise me of the fact that he was interested in this figure and I would be able to get it for him, which is precisely what I will do. If I can do it, I will do it by the end of question time.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Treasurer, when do you anticipate the ACT will be free of this notional debt to the commonwealth?

MS GALLAGHER: I will take that question on notice as well.

Public safety

MS PORTER: My question is to the Attorney-General. Could the minister please update the Assembly on the measures the Labor government is implementing to reduce antisocial behaviour in and around Canberra's entertainment precincts?

MR CORBELL: I thank Ms Porter for the question, because the Labor government is taking a number of significant steps to improve public safety, particularly in Canberra's entertainment precincts, and in particular to deal with issues around violence and other antisocial behaviour in those precincts, particularly on Thursday, Friday and Saturday nights.

Members would know that just over a week ago I announced the Labor government's comprehensive rewrite of our Liquor Act, the first time that that has been done since the 1970s, and that work is of course the outcome of a very detailed process of policy development and public consultation with the Canberra community. These reforms provide for the establishment of dedicated ACT Policing teams; extra regulatory inspectors; and new offences, including the offence of supplying alcohol to an intoxicated person by patrons and by employees on a licensed premise.

We will also look at new offences, including abusing, threatening or intimidating an employee who refuses the service of alcohol because a person is intoxicated, and we will also focus new offences on those licensed outlets that offer alcohol promotions that encourage the rapid consumption of alcohol.

This is all part of a dedicated program to tackle the antisocial and violent behaviour that we see, unfortunately, all too often in our entertainment precincts, particularly late at night towards the end of the week.

We as a government are committed to tackling this issue, to giving licensees the tools they need to refuse service and to maintain the safety of all the patrons in their licensed premises, but also giving the tools and the laws that our police need and our inspectors need to ensure that licensees are abiding by the conditions of their licence.

A key element of this reform is the establishment of risk-based licensing. For the first time, we will shift away from a flat fee when it comes to licensed premises and we will move towards risk-based licensing, so the high-risk premises, larger premises that trade late into the night or early morning, will pay more for that privilege. That is what it is: it is a privilege, not a right; not something that is automatically available to them. That risk-based licensing regime will reflect the commensurate impact that those licensed premises can have on the broader community and at the same time it will provide the resources we need to improve public safety overall by providing funding to dedicated policing teams and to extra regulatory activities.

We will also introduce mandatory responsible service of alcohol training for all staff in all licensed premises. This is an important provision and one that I know many licensed premises take seriously already but we will make it mandatory and across the

board. The government will also provide in the legislation provision for the application of lockouts at licensed premises. The government believe that this provision should be built into our legislation, although we do not believe at this time that the exercise of those provisions would be appropriate. There is a range of views occurring as to the efficacy of lockouts at this period of time and we would like to see the outcome of those reviews before deciding whether or not they should be applied here in the ACT.

These provisions I believe are very important reforms. They will help improve community safety, they will help give licensees and our regulatory authorities the capacity they need to deal with breaches of liquor licensing and they will also give the community a greater say on where licensed premises occur, opportunities for objection and opportunities for refusal of licences where the concentration of licensed premises becomes too high.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Thank you, Mr Speaker. Minister, are there any other measures that the Labor government is pursuing to improve public safety in the ACT?

MR CORBELL: I thank Ms Porter for the question. Yes, there are other measures. Last week I announced another very important budget initiative that has now been implemented, which is the rollout of our expanded closed-circuit television network across the city, with a significant expansion in cameras in the city, and for the first time cameras in Manuka and Kingston. This very important reform gives us the capacity to provide better support to our police, better support to property owners, to licensed premises, to other premises in these precincts, when it comes to improving public safety.

For the first time, this $8 million initiative will ensure that this CCTV network is monitored at the peak times when the city and our other entertainment precincts are busy. So we have provided the capacity for police to monitor the CCTV network on Thursday, Friday and Saturday nights and into the early hours of the following morning, to make sure that they are able to see what is going on and to proactively respond to problems as they occur, and indeed potentially before they become serious, rather than simply reacting after the event.

The camera network is of a very high quality—high-quality digital cameras, with strong privacy protections in place in terms of the data, and monitored from a central monitoring point in the Winchester Police Centre. This, combined with the reforms that the government is putting in place around our alcohol laws, will help to significantly improve public safety in the city, Manuka and Kingston.

The government are committed to these reforms. We want to deliver a safer city centre and a safer Manuka and Kingston for all Canberrans, and this reform will help to achieve that.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: With regard to the CCTV monitoring of our entertainment areas, could you advise how many staff will be rostered to view the live vision from the cameras and how many cameras there will be monitoring during these periods?

MR CORBELL: There will be 71 cameras operational by the end of this month. The total number will be, if I recall correctly, approximately 80 cameras across those precincts. Funding is provided for three staff rostered on at any one time in the monitoring centre at Winchester. That is, of course, subject to some operational demands from ACT Policing. They will roster staff as they believe are needed to manage the monitoring task. Obviously some nights will be busier than others and they will move their staff flexibly as a result. But three staff is the level of funding that has been made available. Those staff will rotate through the monitoring centre and will perform other tasks on a rotating basis back in the communications centre, the call-taking centre for ACT Policing, as well. The operation of both those facilities is being done under the auspices of the officer responsible for the police communications room.

It is very important to stress, Mr Speaker, that what we will have in the monitoring room is the ability for the people monitoring the cameras to speak directly to police on the beat. Those personnel have radio communications patched directly into the beat patrols that are in place; for example, in Civic. They will be able to speak to police directly, directing them to where they see problems, and indeed assisting them with identifying people that they believe may have been involved in offences.

This is a great capacity for our police. It strengthens the ability of the patrols to do their work on the ground and it gives them the capacity to work hand in glove with the surveillance capacity and the coverage that we get from the expanded CCTV network.

MR SPEAKER: Ms Burch, a supplementary question?

MS BURCH: How will the police use this additional CCTV capacity to improve their capability?

MR CORBELL: As I have indicated, obviously police will be working hand in glove with the monitoring room and the ability that comes from accessing the radio communications that exists between those two centres. What is also very important is that police will be able to use this facility particularly at peak times and at busy periods. It will be an invaluable tool during New Year's Eve celebrations, and during other celebrations in the city, and it will also be used for large events at Manuka Oval and Canberra Stadium. There is the ability now for both of those facilities to also be monitored from the Winchester Police Centre.

This will assist police who are maintaining public order and public safety at those events, and it really gives us extra police patrols on the ground. Police will be able to see what is going on in a much broader area. They will not just rely on their physical presence, as important and as vital as that is. They will also be able to rely on the camera network to expand that presence and to make sure that resources are directed to the most appropriate location to deal with problems.

The cameras are very high definition, and the ability to locate individuals even in a large arena such as Canberra Stadium is extremely advanced, and that is all about providing a safer Canberra for all Canberrans, an opportunity for all Canberrans to feel safer at major events or when moving around the city centre. Monitoring in real time is the key to doing that. Cameras on their own can assist but the real difference comes from monitoring in real time and police working with the people monitoring the cameras to achieve the best results in terms of community safety.

Canberra Hospital—waiting times

MR HANSON: My question is to the Minister for Health. Minister, the Sunday *Canberra Times* of 11 October revealed the story of a 19-month-old girl who was taken to the Canberra Hospital emergency department after suffering a febrile convulsion. The girl and her family were forced to wait 7½ hours before leaving the hospital without seeing a doctor. The girl's mother expressed frustration at the unacceptably long delay and lack of communication with the family. Minister, can you advise the Assembly if you have addressed the family's concerns and have you assured them that such an event will not occur again?

MS GALLAGHER: I have corresponded with the family. Of course, I am not in a position to go into the details of that correspondence because it related to an individual's health record. I did not promise the family that it would never happen again. If I could speak hypothetically here—160 people were seen at the emergency department, many of those across a whole range of categories. I am speaking hypothetically here, but on an average day in June, August and September, the emergency department at Canberra Hospital sees in the order of 160 people, 60 of whom are admitted to the hospital.

Category 1 patients, category 2 patients and category 3 patients are seen before category 4 patients. If there are a lot of category 1, 2 or 3, that means category 4 will wait. And sometimes they will wait a long time. But those are not decisions that politicians can make. Clinicians are the ones that need to make the decisions about who in the emergency department is seen, who is seen first and the order that is created. That is the nature of the triage system. This government has done more than any other government since self-government in terms of resourcing adequately our health system, whether that is in the emergency department or right across the hospital. In fact, the emergency department performance is improving—

Mr Hanson: Not since you've been in government.

MR SPEAKER: Order, Mr Hanson!

MS GALLAGHER: and I think the opposition need to acknowledge that. But I cannot promise anyone when they will be seen at the emergency department, and neither can the opposition. What I can say is that the quality of care provided at the Canberra Hospital is first rate, but that decisions about who is seen, when they are seen and, indeed, their movement through the list, if presentations of more serious patients come in the interim, will change. While it is unfortunate that there are waits in the emergency department, the community works with us on this. From time to time—

Mr Hanson interjecting—

MS GALLAGHER: It is not funny, Mr Hanson.

Mr Hanson: I'm laughing at you, not the situation.

MS GALLAGHER: No, the answer is not funny. You are the only jokes in this place. It is not funny. If anyone has an extended wait in the emergency department, it is not ideal. However, with respect to the 159 other people seen on any other day, who are seen with the high standard, professional care that the emergency department provides, at times, because of the nature of the Canberra Hospital and how busy the hospital has been, that will result in some waits for patients. It is not something that I think is desirable, but I accept that on a busy day there are going to be waits. And in the instance that Mr Hanson refers to there was a wait involved.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, can you advise the Assembly what reviews have been conducted following the family's experience and advise what measures are now being considered by ACT Health in response?

MS GALLAGHER: All complaints received to the hospital, whether it be through my office or through the hospital itself, are reviewed. They are reviewed clinically. I have seen the results of the advice from the hospital and the nature of the care provided in the instance that Mr Hanson spoke of. In the circumstances I am satisfied that, while there was a long wait, the care provided was adequate.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Minister, can you advise the Assembly how you will act to reduce our long emergency waiting times which, according to the last quarterly performance report and the latest AMA public hospital report card released just today, remain well below acceptable clinical standards?

MS GALLAGHER: They remain below in relation to category 3 and 4. In relation to category 1, 2 and 5, we exceed the national benchmark. All category 1 patients are seen on time—100 per cent; 85 per cent of category 2; and I think around 80 per cent of category 5. In relation to categories 3 and 4, that is the area we have been working on. I do not know whether Mrs Dunne has not been paying attention to the Health portfolio in the three years that I have been in charge of it. We are doing a number of things, some of which I do not know the opposition actually approve of because they have not come up with a view on them yet.

We have got the walk-in centres and additional beds. I think the AMA's report today indicates that there have been 66 additional beds in the last financial year alone in the ACT health system. We think that is a little down on the numbers that we have on our records. But they have given us 66, so we will take those and we will raise them with the details that we have. It is about more beds, more nurses, the walk-in centre, the opening of the SAPU, which will open early next year, which is to take the surgical

patients—in line with the MAPU that was opened—the elderly, complex patients from the emergency department, and the mental health assessment unit with six beds that will open in December.

Over time it is the complete reconfiguration of the emergency departments across Calvary and Canberra hospitals, which essentially doubles the size of our emergency department capacity. To coin a phrase of Mr Hanson's that we always hear on the news, there is a raft of measures that the government has implemented and there is a raft more that I could talk about if you were genuinely interested. There is a raft of measures that we have already implemented and there is a raft of measures coming. *(Time expired.)*

MS PORTER: Can the minister explain to the Assembly what the process is by which patients are triaged on arrival, and how does this affect waiting times for people who present?

MS GALLAGHER: The emergency department's triage system categorises patients into five categories from 1 to 5, 1 being the most urgent and 5 being the least urgent, and I think this does cause some confusion in the emergency department at times. If you are categorised as a category 4 and you understand there are only three people ahead of you and then there is a motor vehicle accident or a skiing accident and ambulances arrive with multi-trauma patients, there may be people who fit into categories 1, 2 and 3 and those people will be triaged ahead of you and therefore your position in the queue goes further down the list.

Mr Hanson: What about her complaints about the lack of communication?

MS GALLAGHER: Mr Hanson, I am prepared to give you a confidential briefing on the individual case you raise. I cannot speak about it here, and I will not without the permission of the family. I do not have the permission of the family, but I can say that I have thoroughly reviewed the care provided in the situation and I believe that in the circumstances the care was adequate. That is the point that I can go to.

The triaging system does create confusion. I have often had people raise with me the idea that they should get a ticket with a number when they arrive, similar to a bank process, which I accept would give people a bit more feedback than they get at times if they are waiting and they have not seen a waiting room nurse. I should say that the waiting room nurse does go and check people's observations through their waits in the emergency department. But that system simply would not work because of the nature of the triaging system and the fact that often what is going on behind the public waiting area cannot be seen and so people do not understand where their point is in the queue.

It is an issue, but we look at ways to improve communication all the time. *(Time expired.)*

Environment—urban street trees

MS LE COUTEUR: My question is to the Minister for Territory and Municipal Services, and concerns the management of our urban street trees. How does the

government evaluate whether trees are dead, damaged or in irreversible decline, or are an irreparable hazard, and can you confirm that only trees in one or more of those states are removed?

MR STANHOPE: I thank Ms Le Couteur for the question. Ms Le Couteur, I am aware, of course, of your continuing interest in this issue, and indeed of discussions you and your officers have had with mine in relation to the matter and the deep interest that you have shown in our street trees and in the urban forest renewal program.

The government is also aware of some quite significant media interest in and exposure of issues in relation to the removal of trees by contractors employed by Territory and Municipal Services at a number of locations over the last few weeks. I have sought advice and reassurance from the department in relation to the processes employed in assessing each of those trees. The advice and the assurance that I have from the department is that all of those trees that have been removed were assessed by an experienced, professional arborist for health and for issues around potential risk or danger to the community.

There are running in parallel now—and I think it is creating perhaps some confusion or added anxiety within the community—two TAMS programs, one in relation to an ongoing urban street removal and renewal program, and this particular season's program does involve the removal of, I think, an identified 282 trees, each one of which has been assessed in relation to its health and the danger that it potentially represents to the community. As a consequence of the identification of those 282 trees and the decision to remove and replace them and to replace other trees that had previously died and been removed, the government proposed through the urban street program in this spring to remove 282 trees and to plant somewhere in the order of 550 trees.

Ms Le Couteur, I have to say the department, in relation to the health of trees and the decision to remove trees, does not take the decision lightly. We contract out to experienced tree surgeons, arborists, experts, the assessment of the health of a tree and the decision to remove it. The department relies on expert advice. The advice received by the department on every single one of those trees is that they are ageing or that they represent a risk to the people of Canberra. They are removed on that basis.

There are 650,000 trees under the care of TAMS in the urban area of the ACT. Of those 650,000 trees, 282 will be removed over this month or two. Each one of those trees removed will be replaced and, in addition, a similar number of additional trees will be planted in other areas where trees have been recently removed. Trees do represent a real hazard, a risk to property and to life, and the government has a responsibility to maintain the health of the trees, the urban amenity and the treescape. That is why, in the context of a rapidly ageing urban forest, the government has moved to develop a policy in relation to a wholesale renewal of our urban forest.

But these trees are part of a process, or project, or program, that has been run by TAMS in its many descriptions since 1992. Every year TAMS removes trees, and in recent years it has been removing between 4,000 and 6,000 trees.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you, Mr Speaker. Does the government ever remove trees because it is economically more efficient to remove them rather than keep maintaining them throughout their old age?

MR STANHOPE: I would probably, to be able to answer that question completely and fully, need to take some additional advice on whether or not from time to time a discretion is exercised as to whether or not a particular tree might be rendered safe—for instance, if a number of its branches were removed. I would have to perhaps take advice on whether or not a discretion is from time to time exercised that it simply would not be cost efficient or effective in the longer term, particularly in the context of the 650,000 trees that are comprised within the urban environment. There are 650,000 planted trees. These are not self-sown; these are trees that have been planted here since 1913.

TAMS manages 650,000 trees in the urban forest. Those are the planted trees. And we are talking here about a decision taken after individual inspection. We are talking about the removal of 282, each of which has been identified by an expert as dying, in poor health or dangerous. The government has accepted that advice and the government proposes to remove those dead, dying, unhealthy or dangerous trees and replace them. The urban forest renewal program is a program that has been foisted upon us by the ageing of our urban forest. If that urban forest renewal program is proceeded with and advanced, we are not talking about the removal of 282 trees over a spring; we are talking about, over the next 20 to 30 years, the removal of somewhere between 200,000 and 300,000 trees. *(Time expired.)*

MR SPEAKER: Ms Burch, a supplementary question?

MS BURCH: Yes, please. Could the minister please explain to members the difference between the tree replacement program and the urban forest renewal program?

Mr Hanson: He wasn't satisfied with his first answer.

MR STANHOPE: I did give some indication of that, but I must say that my concern about some of the media commentary that members have made in relation to this particular issue is the extent to which the two programs are being confused in the public mind. The government has a funded program to seek to renew our urban forest. We are looking at the prospect, on the basis of expert advice—advice provided by the CSIRO and I think the ANU—over the next 20 to 30 years, of a major crisis if we do not act.

From time to time, trees die. Indeed, as I just said, over the last five years, during this period of drought and as a result of the combination of ageing trees and drought, we are removing, currently, thousands of trees a year. I believe the last number I saw was 16,000 over the last five years. These 282 trees comprise half of the number of the 16,000 that I believe have been removed in the last five years. It is just that with heightened awareness, as a result of decisions that the government has taken and on

which we attempt to consult, and which we have been very open about, we face not the removal of 282 trees a spring; we face the need, the potential, to remove thousands of trees.

I am concerned, I have to say, that there be no confusion between the from-time-to-time, day-to-day removal of dead, dying and dangerous trees for the safety of the community and proposals which the government has potentially to remove tens of thousands or hundreds of thousands of trees. It is a project that will require the support of the Assembly and of the community if it is to proceed at all. *(Time expired.)*

MR SPEAKER: Ms Hunter?

MS HUNTER: I have a supplementary. What is done with urban street trees once the government cuts them down? How is the wood used?

MR STANHOPE: I do understand, and I think it is part of the issue, particularly in relation to trees at Captain Cook, that two sets of contractors were employed. One contractor fells the trees—a tree feller, an expert in that particular discipline—and a second contract has been issued for the removal of the trees. The contracts do, as I understand it—I do not know the specific detail—invariably require, of course, through the second contract, that the trunks, the tree, be removed. Invariably, as I understand it, the trees are chipped or mulched, and more often than not you see the distribution of that mulch around the city.

The most oft-used method of disposal is mulching. The mulch is used quite consistently—I think you see it everywhere around the city in these drought-ridden times. As an increasing number of trees die, an amount of mulch has been utilised, I think to great effect, to beautify the city, keep weeds down and seek to protect other trees through a capacity to retain moisture and enhance the health of trees that receive the benefit of mulching. Some of that mulch is now used, most particularly, I think, on ACT government schoolyards. TAMS is now, in concert with schools around the ACT, providing mulch to schools. The minister for education could probably expand on this more than I am able, but there has been, just over this last year—I am not dobbing you in, Andrew—a program initiated by TAMS to provide mulch to schools for that same purpose. For the sake of completeness, Ms Hunter, I will provide fuller details of how all of the trees are disposed of. *(Time expired.)*

Supermarkets—competition policy

MR COE: My question is to the Treasurer, as the minister responsible for competition policy in the ACT, and it relates to the Martin review. Treasurer, will the government block the involvement of businesses in any land acquisition on competition grounds, even if that acquisition has been approved by the Australian Competition and Consumer Commission?

MS GALLAGHER: As I understand it, none of those decisions have been made, Mr Coe.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Treasurer, what discussions have you had with the ACCC on this issue?

MS GALLAGHER: I have not had any discussions with the ACCC on this issue.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Yes, thanks, Mr Speaker. Treasurer, has the ACCC approved or looked at the recommendations of the review?

MR STANHOPE: As members of the Assembly know, the ACCC review, the Martin review, was actually initiated by me and was conducted under the auspices of the Chief Minister's Department. I do not know why the Liberals persist with this childish behaviour of asking questions of the minister who is not the responsible minister—the minister who does not have the background, the minister who did not have the discussions, the minister who did not receive the report and the minister who did not actually arrange for the government's response to the report.

I am not quite sure what this childish gaggle that passes itself off as an opposition believes is the benefit of continuing to ask ministers who do not have responsibility for an issue to answer questions on that—

Opposition members interjecting—

Mrs Dunne: I raise a point of order on relevance, Mr Speaker.

MR SPEAKER: Order, Chief Minister!

MR STANHOPE: Well, I think that bit of context was reasonable. This puerile childishness from the opposition really is—

Opposition members interjecting—

MR STANHOPE: The government, through the Chief Minister's Department, commissioned Mr John Martin, a commissioner from the ACCC. The Martin report is not a report of the ACCC. I am surprised that that has not dawned on Mr Seselja yet. It is a report commissioned by the Chief Minister's Department, through me, of an ex-commissioner of the ACCC in response to recommendations by the ACCC in relation to the role that territory and local governments can play in enhancing competition within the territory.

The ACCC may have a view, but we certainly do not need their approval or their authority; nor will we be seeking their specific intervention or involvement in decisions that we make as a government in relation to competition within the supermarket or retail sector of the ACT.

It is a good report, and it is surprising that the opposition adopt their typical standard opposition for opposition's sake; that Mr Seselja immediately got into bed with Woolworths and Coles and abandoned the consumer. It is a typical automatic response, the response that we expect. The Liberals are backing Woolworths. The Labor Party are backing the consumer. *(Time expired.)*

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Treasurer, are you responsible for competition policy?

MS GALLAGHER: Yes, Mr Speaker.

Health services—access to transport

MS BRESNAN: My question is to the Minister for Health and relates to the move of a number of disability services to Kambah. In answer to my last question without notice on this subject, minister, you said that no services would be moved until all issues had been addressed. Minister, could you please advise the Assembly as to whether ACT Health have yet been able to ensure all transport accessibility problems have been addressed?

MS GALLAGHER: I thank the member for the question. I think this is an ongoing process, Ms Bresnan. The issues as they arise are being dealt with one by one. There is some concern around the bus stop and how far it is from the entrance to the former primary school, where we hope to set up an aged care and rehab service in Kambah, and connecting that with bus timetables. A lot of work has been done on analysing, across all of the service areas that would move to Kambah, people's method of transport to their appointments. As I understand it, in excess of 90 per cent of people attending appointments, whether it be at the hospital or at Weston, attend through private car, but there are a number who attend through community transport and then a small percentage who arrive through bus or taxi.

I know that staff from ACT Health have been out responding to some recent concerns that were expressed as late as last week around distances and accessibility through the main entrance. As I said, I have given a commitment that this is around attempting to make things easier for people rather than making it harder. So we are working to address every single one of those issues as we work through this process.

In relation to some of the staff concerns—I understand that there are a few staff that are still unhappy—I think that, for staff in the public sector, it does involve changing location from time to time as to where you go, and staff will be required to move to where the work is. But I am very sympathetic to the arguments of the consumers who use that service around accessibility, so we are looking at it very closely indeed and attempting to resolve matters. I still think we can resolve them to everybody's satisfaction. Indeed, the distance from the bus stop to the Kambah site, as I understand it, is less than the distance from the Weston bus stop to the Weston site. So we are looking at everything very closely.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Minister, when do you intend to open the new facility, and will you obtain the consent of disability-related organisations for the move prior to it occurring?

MS GALLAGHER: I would certainly like the support of disability organisations prior to the move, and that is certainly what we are working towards. I understand that in the last week or so work may have started on the refurbishment of the Kambah school, and it is expected that it will be finished by the end of this year. Because some timetabling has slipped, that may move into early next year.

The move, of course, has a concertina effect, as we are trying to decant the Canberra Hospital. The move to Kambah does allow us to bring on the walk-in centre at the Canberra Hospital. That is why we are moving fairly quickly, because we need the space that would be vacated by the equipment loan service in order to set up the walk-in centre in the first quarter of next year.

Department of Territory and Municipal Services—capital works program

MS BURCH: My question is to the Chief Minister. Can the minister please update the Assembly on the record of the Department of Territory and Municipal Services in delivering capital works over the past two years?

MR STANHOPE: I thank Ms Burch for her question. The government is very keen to ensure that the people of Canberra understand the massive capital program that is being shared by the government to enhance both services and amenity within Canberra. The Department of Territory and Municipal Services is, of course, central to delivering vital infrastructure and services that all Canberrans rely on every year.

I am sure it will be of some surprise to the Liberal Party, most particularly, to realise that the TAMS capital budget for this financial year is $494 million. Just about half of that, $245 million, is to be delivered this financial year. It is worth reflecting on those numbers in the broad. The TAMS budget for this financial year of $494 million is, I think, equal to the entire capital spend of the Liberal Party—this is just one department, TAMS—over six years.

Mr Seselja interjecting—

MR SPEAKER: Order! Mr Seselja, you will have a chance to ask a supplementary question in a moment. You might hold it till then.

MR STANHOPE: Thank you, Mr Speaker. I look forward to that supplementary question. I presume it will be about Bruce Stadium or the futsal slab and the commonwealth's contribution to capital in that way, or perhaps it will be about the capital expended in the blowing up of a hospital. It is worth reflecting on the quantum as a result of the economic management of this government, the strength of the economy under this government, the strength of our balance sheet under this government and our capacity to invest in this city.

Of course, TAMS—focusing, as it does, on those municipal services—with that $245 million capital budget this year will concentrate on roads—new roads, providing access to suburbs—shopping centre upgrades, new cycling and walking infrastructure, maintenance of our heritage buildings and our various facilities and a raft of other municipal functions, leading off, of course, with $84 million for the duplication of the Gungahlin Drive extension.

It is interesting, again, to reflect on the Gungahlin Drive extension—a project delivered over the last two years—a single road project with a capital investment greater than the investment of the Liberal Party in any single year across every area of government. Just reflect on that. The Gungahlin Drive extension, just in stage 1, represented a greater capital expenditure in one year by one department than the Liberals ever achieved across the entirety of government in any year in government.

It is not just restricted, of course, to roads or to Gungahlin Drive. It is interesting to reflect: "Oh, you've duplicated it. You should have done it as a single job." I challenge Mr Seselja in his question to outline, even as a preamble, those roads that the Liberal Party delivered as four lanes first up. Which road did you build that was a four-lane road first up? Was it the part of the GDE that you built, the bit out in Gungahlin that we duplicated? It was duplicated years after it was built. Was it Athllon Drive? Was it Athllon Drive which we have just successfully duplicated? Why did you not duplicate that when you built it? What about all those other roads that the government is currently duplicating? What about Flemington Road? There is massive duplication at Flemington Road. What about Tharwa Drive? Who is duplicating Tharwa Drive? We are duplicating Tharwa Drive, we are duplicating Lanyon Drive, we are duplicating Flemington Road and we are duplicating the GDE because your inept management of the budget and of the government did not allow you the capacity to do anything in your period in government.

MR SPEAKER: Ms Burch, a supplementary question?

MS BURCH: Can the minister inform us to what extent is this record of achievement mirrored across the other ACT government agencies in relation to the delivery of capital works?

MR STANHOPE: Just by coincidence, I can.

Mrs Dunne: On a point of order, Mr Speaker: I do not know that Ms Burch's question is in order, because she is asking the Chief Minister to talk about something that he does not have responsibility for. He does not have responsibility for the whole of the capital works budget—that is the responsibility of the Treasurer.

MR SPEAKER: I think I am able to be consistent with former rulings by saying that the Chief Minister does have a remit right across government.

MR STANHOPE: I remember that previous ruling, Mr Speaker. I thank you for your consistency. I am very pleased to give a brief, rushed reminder to members of the Assembly and indeed to the Canberra community of the nature and the extent of capital works pursued by this government. These are expenditures that we are able to invest in this community because of the strength of our budget, our balance sheet, and because of our excellent and successful economic management of this territory since coming to government.

It is in that context that the people of Canberra would be interested in knowing of our investment in this community. They would be interested in knowing about the $8.8 million for the Belconnen Arts Centre, and they would be interested in knowing

about the $14.7 million investment in the Tharwa bridge to protect our irreplaceable heritage. They would also be interested in knowing about the $32 million investment in airport roads and about the $16½ million investment in Callam Street and the Belconnen town centre as part of a $124 million upgrade of the town centre as a result of a deal struck by this government with Westfield. There is also the $11 million for arterial roads to open up Molonglo, a new development front; the $12 million for the north-western pond to add amenity to that area for the people of Weston Creek and Molonglo; and the $20 million upgrade and duplication of Flemington Road. *(Time expired.)*

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Thank you, Mr Speaker. Could the Chief Minister tell the Assembly the extent of underspend for the capital works budget this financial year and how that compares to previous years?

MR STANHOPE: I could. Just for context, I think we should perhaps go back to the Liberal years and the underspend generated by the Liberals on their tiny, minuscule budgets. It is quite remarkable. If you go back to the heyday of the Liberal Party in 1998, the underspend there, Mrs Dunne, was 37 per cent by your government on a $64 million capital budget—so on a $64 million annual capital budget, compared to this year's $700 million.

This year, our capital budget, Mrs Dunne, is over $700 million; your 1998-99 budget was $64 million and you still, on a $64 million capital budget, could not deliver it. That is only capital upgrades. It is interesting to reflect on this.

Mrs Dunne: Relevance, Mr Speaker.

MR SPEAKER: Chief Minister!

MR STANHOPE: It is one of those school room exercises: stick up your hand and name one significant capital project of the Liberal Party in six years of government.

MR SPEAKER: Order, Chief Minister!

MR STANHOPE: Bruce Stadium—a ripper!

MR SPEAKER: I think you have set the context.

MR STANHOPE: The futsal slab, the explosion of the Canberra Hospital—

MR SPEAKER: Would you like to come to the question or resume your seat?

MR STANHOPE: Well, I was asked about the percentage of expenditure. You do need context. You need to go back—

MR SPEAKER: You have set the context, Chief Minister.

MR STANHOPE: to the reason that the Liberal Party are so interested in this subject, and the reason they are interested in it is that in a $64 million capital budget, compared with our $780 million budget, they can only deliver 60 per cent of it.

MR SPEAKER: Order, Chief Minister! Resume your seat, thank you. Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Chief Minister, how will you ensure that the $243 million blow-out in the cost of the construction of Cotter Dam will be the end of the blow-outs?

MR STANHOPE: It is not a blow-out; construction has not even started. It is a cost. There has been no blow-out at all. It is a bit like asking, Mr Seselja, about the estimate of the cost by the Liberal Party in government of the GDE, a road that is going to be delivered at just over $200 million. Mr Hargreaves might remember the cost. The Liberal Party's initial estimate of the cost of the GDE, I think, was less than $50 million. Is Mr Seselja standing here and saying that they would have delivered a four-lane GDE for $50 million? That was his initial estimate.

Mr Hanson: Mr Speaker, on a point of order as to relevance: the question was clearly about the Cotter Dam, not about the GDE.

MR SPEAKER: Chief Minister, let us focus on the question.

MR STANHOPE: I am. I am focusing on the issue of blow-out as against estimate. The dam cost is an estimate—an estimate delivered independently by a statutory authority. With respect to the cost estimate, just so that Mr Seselja understands this, Mr Hargreaves informs me that the Liberal Party's estimate of the cost of the GDE in government, in its last gasp, as it took its last breath in 2001, was $32 million. Mr Seselja sits here and tells us that he, the Liberals, would have delivered a $200 million road for $32 million? What balderdash!

MR SPEAKER: Order! Chief Minister, resume your seat.

Supermarkets—competition policy

MRS DUNNE: My question is to the minister responsible for competition policy in the ACT, and relates to the Martin review. I refer to the comments made by Mr Ken Henrick, the Chief Executive Officer of the National Association of Retail Grocers, which were published on Friday, 9 October on the ABC website. Mr Henrick said that the Martin review, if adopted, would "effectively rule out every family-owned business in Australia" from entering the ACT market. Mr Henrick went on to say that the recommendations from the review would "also facilitate the entry of foreign competitors while keeping out Australian family-owned businesses". Treasurer, will you, as minister responsible for competition policy, ensure that family-owned businesses have an opportunity to enter the ACT grocery market?

MS GALLAGHER: Yes, of course, Mrs Dunne. Indeed, in the last year I have met with a number of businesses who have been concerned about their ability to enter the

supermarket industry here in the ACT. Many of those have welcomed the ACT government's commissioning of this work and indeed the recommendations that have been adopted precisely to ensure that there will be processes which allow smaller players to enter into the market here. I think you can see from the consumer response, and indeed from some businesses across the ACT who have welcomed the recommendations and the report, that that is precisely what this is about.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Treasurer, as the minister responsible for competition policy, will you ensure that the IGA-branded family businesses have the opportunity to expand either within or into the Canberra grocery market to ensure that there is as much competition in the market as possible?

MS GALLAGHER: We have accepted the recommendations, but, where it is appropriate in order to deliver the sentiment of the recommendations, the answer is yes.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Thank you, Mr Speaker. Treasurer, can you provide a guarantee to my small business constituents that they will not be excluded from any land sale process for the purpose of building a supermarket?

MS GALLAGHER: Again, I think, consistent with the recommendations, that the answer is yes. This is around supporting small businesses to enable them to have a level playing field with the big players. That is what this is about. Certainly, I will do what I can, and I am happy to meet with any business that believes they are being treated unfairly. The businesses that I have met with in the last year are the ones that believe there is not a level playing field and they cannot enter the market.

Taxation—utilities

MR DOSZPOT: My question is to the Treasurer. Treasurer, the *Canberra Times* today reported that Actew Corporation is continuing to charge the ACT government's utilities tax on water, notwithstanding the Federal Court's recent ruling that the tax is unconstitutional. Treasurer, why is the government flouting the Federal Court's ruling?

MS GALLAGHER: As Mr Doszpot no doubt knows, we are appealing the decision of the court.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Treasurer, what is the contingent liability that has been recorded on the ACT government's books to accommodate the possible need to repay this tax?

MS GALLAGHER: My advice at this point is that there is no need to repay the tax. The utilities tax raises in the order of $17 million per annum.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Thank you, Mr Speaker. Treasurer, when will the ACT government repay this tax?

MS GALLAGHER: This matter is before the court, it is under appeal, and I do not think it is useful if I add anything at this point in time. The advice at this point in time is that we do not need to repay tax collected.

MR SPEAKER: Mrs Dunne, a further supplementary?

MRS DUNNE: Treasurer, can you provide the advice that you have received in relation to the decision to the Assembly?

MS GALLAGHER: No. That advice is privileged, legal advice. The matter is currently before the court. I think it would be highly unusual for us to release legal information and legal advice which may be used in terms of prosecuting a case for the territory.

Mr Stanhope: I ask that all further questions be placed on the notice paper.

Supplementary answers to questions without notice

Housing—public

MR HARGREAVES: Yesterday I took on notice a supplementary question from Ms Bresnan, and would like to respond. The member's question was: how does the government decide whether to install solar, heat pump or gas hot-water services and what proportion of each is currently being installed? The answer is that in the last quarter the percentage of systems installed was 26 per cent gas, four per cent panelled solar, 31 per cent heat pump and 39 per cent electric resistive.

I would like to provide members with additional information about this matter. Housing ACT's total facilities manager, Spotless, has developed and issued to its plumbers a decision process that guides which system is to be installed when a hot-water unit requires replacement. Where gas is already connected to a single residential property, five-star gas hot-water systems are installed. Where a home is oriented to maximise solar collection without obstruction from trees or other buildings, panelled solar systems are installed on the roof. Otherwise heat pump systems are generally installed.

Due to generally low gas connections, heat pumps make up the majority of installations in single residential dwellings. I need to emphasise that they are in single residential dwellings. Those other percentages talk about the total stock. They also include our multi-unit properties, which are a little bit different. Housing ACT is working with Spotless to develop a cost-effective method of installing panelled solar hot-water systems with a view to increasing the percentage of panelled solar installations by the end of the 2009-10 financial year.

Multi-unit sites such as apartments and flats have like-for-like replacement, although the opportunity is taken to right-size the electric resistive unit to reduce unnecessary waste.

Deakin swimming pool

MR BARR: Madam Assistant Speaker Le Couteur, in question time you asked me a question in relation to how many leases had been withdrawn as a result of breach actions in the last 12 months. I am advised by email that none have been withdrawn. Also, in relation to a supplementary question from Ms Hunter, the proceedings that were before ACAT are continuing outside the ACAT process by mutual agreement of the parties.

Civil partnerships

MR CORBELL: Yesterday, in question time, Ms Bresnan asked me a question about whether or not regulations have been made under section 15 of the Civil Partnerships Act 2008 and, if they had been, why that information had not been made available to the public. In my answer yesterday, I indicated that I believed regulations had been made. That is incorrect. Regulations have not been made. I apologise for that error, and I provide this advice in relation to why regulations have not been made.

No regulations have been made under section 15 of the act. Until recently, the Tasmanian Relationships Act has been regarded as a mere registration act rather than legislation that truly recognises same-sex partnerships. Whether it may or should be regarded as corresponding legislation for the purposes of section 15 of our act is debatable. Victoria's relationships legislation is in a similar position. The legislation in both of those states focuses on the legal rights, particularly property rights, of couples rather than on the recognition of the existence of same-sex relationships, and consequently the legal entitlements of the parties to that relationship.

I know that the Greens have introduced a bill into the Assembly that, if passed, will significantly alter the status of our Civil Partnerships Act. The government would welcome discussions about what legislation, if any, should be regarded as corresponding.

In short, the advice I have from my department is that the legislation in Victoria and Tasmania is not of the same effect as the ACT legislation and cannot be regarded as corresponding at this time.

Answer to question on notice
Question No 260

MRS DUNNE: Yesterday, at the end of question time, I asked the Minister for Corrections why question No 260 had not been answered. He referred that to the Attorney-General, who said that it had been answered. My office has checked with the Secretariat and that question has not been answered. I now seek an explanation for why it has not been answered, not where it is or whatever. Why hasn't it been answered and when will it be answered?

MR CORBELL: I am advised that that response has been provided to the secretariat by my office and was done before the Assembly commenced yesterday.

Supplementary answers to questions without notice

Taxation—GST payments
ACTION bus service—subsidies

MS GALLAGHER: I have got a couple of matters from yesterday in relation to a question from Mrs Dunne around what arguments were used to support the retention of the allowance for the low number of volunteer firefighters. The answer is that the ACT demonstrated to the commission the below-average number of volunteer firefighters in the territory relative to other jurisdictions. These representations were founded on evidence from the ABS and Productivity Commission.

The ACT also argued that our status as the national capital impacts on the geographic layout of the territory due to the previous planning decisions of the commonwealth government. These planning decisions resulted in the territory having a high proportion of its landmass designated as national parks or wildlife reserves. With relatively few rural landholders compared to other states because of the designated areas, fewer individuals have a self-interest in joining volunteer fire-fighting services. On this basis, the ACT argued that a volunteer firefighters allowance should continue to be assessed for the territory.

Mr Coe asked me a question around ACTION. In regard to the member's question, which was why the commission had concluded that there should no longer be any allowance for the subsidy which is provided to ACTION to compensate principally for free parking in the parliamentary triangle, the allowance and the effects on the subsidy to ACTION of the free parking in the parliamentary triangle have been discontinued because, while free parking may lead to lower bus patronage and lower fare revenue, the ACT has not shown that it continues to affect the level of subsidy it must provide. This would be the case only if there was unused capacity on parliamentary triangle services during peak hour. Increased patronage resulting from the removal of free parking may in fact increase the level of subsidy required if additional services were required.

Why has the commission made that finding? The reason for discontinuing this allowance appears to be that the commission has had to use judgement to determine the cost of the effects on the subsidy to ACTION of free parking in the parliamentary triangle. For the 2010 review, the commission has placed additional emphasis on simplification, reliability and materiality. As the ACTION allowance is based partly on judgement, it has been discontinued on reliability grounds. This is no different from a number of other allowances and costs being discontinued for other states when they have been based partly on judgement and were not considered to be reliable enough.

Further, during question time, in relation to Mr Smyth's continued questions which he already knows the answer to, which is why he is wasting everybody's time here, the answers—

Mr Smyth: You didn't know the answer to it.

MS GALLAGHER: I do stand here and say I have not memorised BP3, Mr Smyth, and I would be surprised, if I randomly chose a figure from one of these pages and asked you about it, if you would have that detail either.

The detail Mr Smyth seeks, as Mr Smyth knows, is on page 116 of BP3. I have added it up here—and, yes, it is without the benefit of a calculator, but it is in the order of $205 million, with various interest rates and various levels of maturity, as is outlined in the pages, as Mr Smyth very well knows. I look forward to the next chapter in this childish schoolyard game that we are playing, Mr Smyth.

Answer to question on notice
Question No 260

MR CORBELL: Further to the question Mrs Dunne asked me in relation to question No 260, I have subsequently received some further advice and it may be helpful to provide some background to the member. First of all, I can confirm that the response was delivered to the secretariat on 13 October. This question was originally asked of the minister for corrective services. Following consideration by the minister for corrective services and his department, it was decided that the question should be answered by me, as the Attorney-General. I signed off a response and, as I previously advised, it was delivered to the secretariat on 13 October.

Following delivery of the response to the secretariat, it was pointed out that the question on notice had not been formally redirected from the minister for corrective services to me, as the Auditor-General. As a result, I am advised that the question must be formally redirected before it can be formally answered. Therefore, it has now been formally redirected. I can assure the member that I have endeavoured to answer the question, and it has been answered but, as it has not been formally redirected, it will need to be answered again.

Hospitals—Calvary Public Hospital and Clare Holland House

Debate resumed.

MR SMYTH (Brindabella) (3.16): We suffered through a little tirade and a tantie this morning when the inconsistencies and the failures of Mr Hanson were pointed out by the Greens. But the interesting thing is that the Greens were just wrong. I understand that at lunchtime Ms Hunter was asked whether Mr Hanson had done his homework and Ms Hunter's answer was: "Yes, I've been told that Jeremy Hanson hadn't spoken to the Auditor-General. He didn't speak to the Auditor-General." But apparently he did. He did, in fact, twice speak to the Auditor-General. We had the embarrassing situation where Ms Bresnan had to come down and clean up the mess created by her leader because they cannot get their act together. They were simply wrong.

Indeed, this morning Ms Bresnan said: "It's against the legislation. You'll breach the legislation. You can't do this". Well, if that is true, Ms Tucker broke the law in 2001 when this Assembly referred the issue of the Canberra Tourism and Events Corporation relocation to Brindabella Park to the Auditor-General for his performance audit of this decision. And who did that? Ms Tucker, the Green. So it is okay when

Ms Tucker refers something, when the Greens refer something, via the Assembly. And let us remember that the Auditor-General is a creature of the Assembly. She works to the Assembly; her reports come through that chair. She is responsible to us as members and it is quite within our rights, as evidenced by Ms Tucker in 2001, when she referred an issue of concern to the Auditor-General and the Assembly backed her.

There were amendments by Mr Berry and Mr Rugendyke. It is interesting that none of the three are still here with us. Perhaps they paid the price for breaking the law! But it is quite within the rights of this place to refer an issue and to ask the Auditor-General to conduct an audit. Whether the auditor does it or not is a decision for the Auditor-General. We cannot force or make them do it; it is their decision. But we do have the right to vote on these issues. So they are just wrong, in the attack that Ms Bresnan launched on this motion. And when the leader of the Greens cannot get her facts straight and tells people things that are just not true, Ms Bresnan comes down and has to correct that mess.

The problem for the Greens in this debate is that they are simply wrong. They have not put together a cogent argument as to why this should not go to the Auditor-General. The basic premise was "we can't do it because it's illegal". Well, it is not. The Assembly has done it before. There is precedent; we can do it. The Assembly, in fact, by a motion, can make many things happen. They can refer this matter to the Auditor-General, and it is a reasonable thing to do. The minister says: "Here's the financial analysis. It's an accounting treatment; that's all it is."

Ms Gallagher: No, it is not. That is not the case.

MR SMYTH: "We're just adjusting the bottom line on a couple of scenarios." But when she is asked, "Where's the analysis?" she admits there is no analysis.

Ms Gallagher: No, that is not true.

MR SMYTH: Why is the Treasurer so scared of scrutiny?

Ms Gallagher: That is not true, Brendan.

MR SMYTH: She was asked for a cost-benefit analysis.

Ms Gallagher: You stand up here and repeatedly mislead the Assembly with those statements.

MR SMYTH: You said this morning that there is no cost-benefit analysis.

Mr Seselja: On a point of order, Madam Assistant Speaker. Can we stop the clock?

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Stop the clock, please.

Mr Seselja: I would ask you to ask Ms Gallagher to withdraw. If she is going to make those kinds of claims, she should make them in a substantive motion. Ms Gallagher

claimed that Mr Smyth misled the Assembly. If she believes that, she should move a substantive motion.

MADAM ASSISTANT SPEAKER: I did not hear Ms Gallagher make those claims.

Ms Gallagher: I am happy to withdraw. I will consider my options on a substantive motion because what he said was incorrect, as indeed all the comments he has targeted at the Greens are as well.

MR SMYTH: "Whatever the Greens want" I think was the quote this morning.

Mrs Dunne: On a point of order, Madam Assistant Speaker: when someone is asked to withdraw—

Ms Gallagher: I have never heard you conditionally withdraw.

MADAM ASSISTANT SPEAKER: Ms Gallagher, please be quiet.

Mrs Dunne: When someone is asked to withdraw, the normal practice is to withdraw, not to withdraw and then give an argument about why they should not withdraw. The Treasurer should be asked to simply withdraw.

MADAM ASSISTANT SPEAKER: Mrs Dunne, she did withdraw. I think that is quite satisfactory. Mr Smyth, you have the floor. Clerk, please start the clock.

MR SMYTH: Thank you, Madam Assistant Speaker. The problem for the community is that they have seen the failures of this government on large projects like this in the past. We saw it with things like the data centre, the delivery of the prison and, of course, Gungahlin Drive. The problem is that the minister is afraid to send what she calls her financial analysis to the auditor for scrutiny—independent scrutiny and verification. And why would you be afraid of that if you were confident in your figures? Because you know that the analysis is flawed.

We now know, because the Treasurer told us this morning, that there has been no cost-benefit analysis. So if there is no cost-benefit analysis, why are we doing this? It is interesting that all the Greens have now left the chamber, Madam Assistant Speaker Le Couteur—except for yourself, of course. Your colleagues have abandoned the field. The problem is that the Treasurer said this morning, "We will answer the questions asked in the community." The community is asking, "What is the benefit for health outcomes from this purchase?" We have heard it from the AMA, from the nurses, from so many different groups saying, "Why do we have to spend this money?" And they are not getting an answer.

It is interesting to look at the document called *Future ownership and governance of Calvary Public Hospital & Clare Holland House*, which is on the government's website. It is an ACT government information paper. When you get to the part which goes to the detail, it says, "This analysis is presented on the following page." When you turn to the following page, there are just four charts. That is the analysis that the government is putting to the community: four charts. "Look at my charts, understand my charts."

Further down on the website it refers to a document called *Transfer agreement for the purchase of Calvary Public Hospital—Treasury financial analysis*. But like with so many things that the government does, you have got to look at the detail. I will quote three paragraphs which appear at the bottom of page 2:

> The build option has been included as a useful comparator.

It is just a useful comparator. It continues:

> The efficacy of this option from a location and service delivery perspective has not been assessed.

Okay, we have come up with some numbers; it has not been assessed. It continues:

> Further, the costs of this option are indicative only …

It is an indication. We know how good they are on the costings on dams. We know how good they are at the costings on roads. So on the basis of this, this costing could be out by a couple of hundred million dollars. It continues:

> … based on general measures rather than any detailed scoping.

It is a very significant issue and we have got general measures rather than detailed scoping. Further, it says:

> The analysis in this paper does not reflect the impact on the budget and forward estimates, as some of the costs of the base case will be subject to future budget decisions.

So there are other factors affecting the accuracy of this data but we do not know what they are. It goes on to say:

> Finally, any efficiencies from coordination and streamlining of services, and delineation of roles of the public hospitals, following the acquisition have not been included in the analysis.

Why have they not been included in the analysis? Because the government cannot make it work.

Ms Gallagher: Because they're not part of the question.

MR SMYTH: The Treasurer says they are not part of the question, yet when we started this debate the whole question was the one governance model: "Bring it all in together, we can make it work better." Because they have all been challenged and subsequently fallen over when groups like the AMA, the GPs, salaried medical officers and other groups question what is going on, we finally end up with the accounting treatment. Who is arguing here today for the purchase? I am not sure whether it is the health minister who is arguing for it in this case or whether it is the Treasurer. But it is certainly a Treasury argument. And what we do not get are clear answers from this minister.

It is interesting to note this statement on page 5 of the purported financial analysis:

> In summary, while generally the focus of financial analysis is on the cash impacts, in this case, impacts on the operating budget and the balance sheet are important to consider.

Yes, they are, but when you go into the detail, there are three footnotes that members should read. For instance, footnote 1 states:

> The 'build' scenario is included in the analysis as a useful comparator. It should be noted, however, that from a service delivery perspective, the Bruce site is the most efficacious location for north side public hospital services. Further, the analysis is not based on a specific alternative site for construction.

So if we cannot buy it, we cannot build it there. But it is the best site and we are basing our numbers on that because we are not going to base it on building it in Gungahlin or somewhere else. These figures do not stack up.

Ms Gallagher: Read the back page, Brendan.

MR SMYTH: I will get to the back page; if you give me an extension of time I will go right through the entire document. Ten minutes is not going to be enough.

Ms Gallagher: No, sorry. My life is not long enough to have to sit here and listen to you go on for another 10 minutes.

MR SMYTH: You will not give me an extension? There you go. She says, "Read the back page," but she will not give me an extension in order to get there. So we have this problem. The Greens' case is blown to pieces because they did not do their homework.

Ms Bresnan: Blown to pieces?

MR SMYTH: Blown to pieces. "You can't do this because it's against the legislation." Well, it is quite clearly within the bounds of the legislation. We ask the auditor to validate these figures and the government is afraid. The government do not want the Auditor-General to see these figures because they are scared of scrutiny. They are afraid to have their assumptions tested, and that is a shame. This is an important issue. The Treasurer seeks to make it economic based. It is about the health future of the people of the ACT, and we all know the importance of a perfectly functioning health system to the people of the ACT.

It was interesting when you, Madam Assistant Speaker Le Couteur, came in and talked about the independence of the Auditor-General. The independence is assured. It was assured in 2001 when Ms Tucker moved her motion. It is assured now.

We had Mr Corbell's little foray into the field. He said: "There are fundamental issues here. We're asking the auditor to make a decision." We are not. We are asking the auditor to validate the process, to look at the contracts and say that they have been complied with, to look at the financial analysis and tell us whether or not it is accurate,

so that we can make the decision. We all know that this will come back to the Assembly. We all know that there will be an approp bill for this because we take the Treasurer at her word; she said so. But we want somebody independent to look at the data and assure us that the data is valid. If the government are scared of that then you really have to question what it is they are proposing and ask: why are you afraid of an independent audit? *(Time expired.)*

MRS DUNNE (Ginninderra) (3.27): I am very pleased to stand in support of Mr Hanson's motion which, despite all the rhetoric and all the spin, is a simple and straightforward motion which is well within the purview of this place because, as everyone who has any understanding of the Auditor-General Act knows, the Auditor-General answers to this place, which is why the executive cannot direct the Auditor-General.

Mr Hanson's motion asks the Auditor-General to undertake an independent review and evaluate an amount of documentation that relates to the proposal to purchase Calvary hospital and to sell Clare Holland House. It is simple and it is straightforward and it is something which is completely and utterly within the purview of the Auditor-General. It is within the capacity of the Auditor-General to analyse the financial reports to see whether they actually meet the needs of this process and whether they provide enough information to the people of the ACT so that they can be properly informed—

Ms Gallagher: An estimates committee can determine that.

MRS DUNNE: She has had her turn. This is about making sure the people of the ACT are properly informed about the sale process and whether or not the sale process does the principal thing that we are supposed to be doing here in relation to the Calvary hospital: ensuring the delivery of the best possible health services for the people of the ACT. That is what the Canberra Liberals are about in this matter. This is about whether or not this proposal will deliver the best possible health services to the people of the ACT.

We are the only people in this place who are not driven by ideology on this matter. The Greens have made it perfectly clear from the outset that they had already made up their minds. Ms Bresnan came in here when this matter was first debated and opened up by saying, "The Greens believe that public hospital facilities should be in public hands." It sounds fine, but let us just look at that. Ms Bresnan has made up her mind. The Labor Party, for whatever their reasons, have decided that they want to acquire Calvary. They have made it very clear that they want to run all the public hospital beds in the ACT. That is very clear.

The question that we are asking, that people in the community are asking, is: if the ACT government owns all the public hospital beds in the ACT, will we have a better public hospital service? And the jury is out on that. That is why the Canberra Liberals are asking the questions, delving into these issues and trying to collect together definitive information, not just about the finances, not just about how this budget treatment will look, but about whether or not we will end up with the best possible health services out of this.

This is a very important issue for the people of Belconnen, the people that I represent, because the Calvary hospital is the principal provider of hospital heath services in my electorate and it is an important issue for people in my electorate. It is a privilege and a duty as an elected representative to represent the views of the people in my electorate, and they have particular concerns about the role of Calvary hospital, which is integral to the Belconnen community.

Calvary hospital's motto is "hospitality, healing, stewardship and respect". I think that Calvary's record against this motto is a proud one. The level of public and media interest in the purchase of Calvary by the ACT government is in itself a testimony to its record and the proud position that Calvary holds in the ACT community.

There has been a large amount of debate on this issue, and a fair amount of passage of things in, say, the *Canberra Times* and elsewhere, discussions around these issues, and they have ranged over a whole range of areas. There are issues in relation to palliative care. I recently had some very close experience with Clare Holland House. While I was a regular visitor there during the final days of a member of my family I was approached on a number of occasions by volunteers and staff who were concerned about what might happen to Clare Holland House.

I think I could say quite confidently that, irrespective of who owns Clare Holland House, the high quality service that is provided by Clare Holland House will continue. But there is an underlying concern in the palliative care community about the future of Clare Holland House which has not been resolved satisfactorily. It has not been explained satisfactorily to the staff and the volunteers who work at Clare Holland House, and that is something that this government needs to address.

I would like to turn to just a few of the letters to the editor of the *Canberra Times*. I have deliberately chosen people from my own electorate who have written on this matter. On 22 April this year Mr Craig from Holt wrote:

> Cashed-up thanks to the global financial crisis handouts from the Feds, but promising us several years of deficits, the ACT Government wants to buy Calvary Hospital.
>
> This acquisition would offer no financial benefits or improved healthcare to the ACT's residents, just uniformity of policy in our public hospitals. Deficits don't matter but correct ideology, so beloved of governments, does. There will be no expiation, it seems, for Calvary's sin of being different.

Another constituent of mine, who lives in McKellar, wrote more recently on 2 October about the great sell-off:

> ACT Treasurer Katy Gallagher says ("Grim diagnosis over hospital sale", October 1, p1) that buying Calvary Hospital "would be better for the ACT balance sheet because the Government would be investing in its own assets rather than paying grants to a third party". Gee whiz, why didn't someone think of that before our various governments around Australia sold our other assets.

There is a huge level of concern in my community, the community that I represent, Mr Coe represents and Ms Porter represents, about what is going to happen to our

hospital, and there is no satisfactory answer coming out of the government. All the government says is, "This is about an accounting treatment."

In relation to accounting treatment, I would like to refer to the article that appeared in the *Canberra Times* in May by Andrew Podger, a former head of the commonwealth department of health and a very much respected health administrator. He talks about how you get a really good hospital system and says that in discussions at the Institute of Public Administration the general agreement was that there needed to be a strong purchaser-provider separation, more sophisticated purchasing, including the use of casemix for hospital services, and a degree of independence for providers, with hospitals having their own expert boards and taking responsibility for quality and safety.

That is one of the reasons that Calvary is seen as being a much better provider of hospital services than elsewhere in the ACT—because of the whole range of things, including the independence of the board and the capacity to really respond. Mr Podger goes on at great length about what is needed for a really responsive hospital system. But he says this about the ACT government's approach to accounting treatments:

> But this is really playing accounting mirrors, because either way the ACT Government (with federal help) will continue to meet the costs of the hospital's public patient services. Moreover, the underlying liabilities will be lower if the Little Company of Mary uses the assets more effectively than a government owner/manager. It reminds me of the nonsense accounting arguments used a few years ago to support selling government assets even where there was clear evidence of better management by government. The idea that government ownership of Calvary may improve the financial standing of the ACT is particularly obtuse.

And at the end of his article, he asks:

> … will the proposed deal improve the quality of public hospital services for patients and their families? If not, then someone please get the accountants to fix the problem that is theirs, not the taxpayers or the hospital users.

I could not say it better. Mr Podger, a respected health bureaucrat, a respected health economist, understands the issues much better than do the ACT government, and this is why we want to see a more thorough probing of the financial implications and the financial reckoning that this government have used. And who better to do it than the person who is accountable to this Assembly to make an assessment? What does the Auditor-General do? She makes recommendations to this place. She does not, as the attorney and the Greens would say, make a decision in this case. What we are asking the Auditor-General to do is to look at these things—and, lo and behold, she might agree with the government and the government will have another arrow in their quiver. But they are scared to find out.

What we want to do is to provide as much information to this Assembly and to this community as possible so that we know that we are getting the best deal—not just an economic deal but a healthcare deal—for the ACT. I commend Mr Hanson for his motion and I commend the motion to the house.

MR COE (Ginninderra) (3.37): I am pleased to be here supporting Mr Hanson's motion on what is a very important issue for the people of Ginninderra. This motion is important because it is about health services for Belconnen residents, for Gungahlin residents, for north Canberra residents, for residents of Hall and for many people outside of the ACT across our northern borders. It is about whether we as a community are getting good value for money out of our taxpayer dollars.

This government has an atrocious record of budget maintenance, budget management and fiscal responsibility. This government has squandered the boom and is not taking the tough decisions in the difficult times. That is why, at best, I am sceptical about whether this deal being promoted by the minister is one that represents the most effective use of the territory's taxpayer dollars. It strikes me that this deal is more about Labor ideology than it is about the wellbeing of Canberra's population or about the wellbeing of our budget.

What we do on countless occasions here in this place is discharge responsibilities to unelected people. Well, here is an opportunity for us to seek advice, to get genuine advice on this issue and for us as elected representatives to make a stand and to make an informed decision, which is exactly what we are elected to do. We have an opportunity, and that is why I support the referral of this matter to the Auditor-General for a full independent analysis and evaluation so that we can then make an informed decision.

At the crux of this motion is whether there are any public health and public finance benefits to this proposal and whether there are enhanced health outcomes achieved by the proposal. The Canberra community, in particular in my electorate of Ginninderra, should be getting the best health outcome with the most effective and efficient use of taxpayer dollars out of the Calvary facility.

The key argument advanced by the minister that public ownership in and of itself will bring benefits to the territory is at best false and misleading. Anyone can make a comparison between the management of Calvary Public Hospital and that of Canberra Hospital and see the benefits to the community of the management model in place at Calvary hospital.

It is ludicrous to suggest that investment in health services or health outcomes is predicated on the public ownership of hospitals. I will repeat that: it is ludicrous to suggest that investment in health services or health outcomes is predicated on the public ownership of hospitals. The government's investment in healthcare should be assessed on the best outcomes for healthcare, not on whether or not money is given to a non-government provider.

What we have here is an argument being pushed by the minister that private healthcare does not work. That is in effect what the minister was saying. That is in effect what it comes down to.

Ms Gallagher: No, I'm not. They're building a private hospital right next door. They will build a private hospital right next door.

MR COE: What we want to see is for a successful model of operation to be given the opportunity to continue, if that is what is best.

Ms Gallagher: They've got one there now that is making money for them.

MR COE: But we will only know that—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Coe, one minute. Ms Gallagher, please let us hear Mr Coe in silence.

MR COE: We will only know that if we are provided with good independent advice from the Auditor-General, because the government certainly is not providing that advice, so that we can make a clear decision.

The argument that the minister is pushing is a thinly veiled attempt at an expansion of government at the expense of private initiative and private enterprise, and in this case at the expense of good healthcare outcomes in the territory as well. So many areas of government service provision can be enhanced or improved by the presence of non-government providers, and healthcare is no exception.

It is interesting that the Greens are not supporting this motion, because motion No 4 on the notice paper here today is about the benefits of non-government housing providers. So the Greens think there is a place for the non-government sector in housing, but they do not think there is a place for non-government providers in healthcare.

Ms Bresnan: Yes, we do. Have you heard us talk about mental health?

MR COE: So what is the difference here? If they were serious about spending taxpayers' money wisely, if they were serious about the healthcare of Canberrans, they would seek information from the expert advice that would be provided by the Auditor-General.

The Canberra Liberals are not alone in expressing significant concern about this proposed sale. A long list of people, including the Catholic archbishop, medical figures and staff, and members of the community, have raised concerns. One person that Mrs Dunne already spoke about whose concerns I too will raise is Andrew Podger. He is a former secretary of the commonwealth department of health and in the *Canberra Times* of Thursday, 14 May 2009 he was described as "one of the most thoughtful commentators on our health services". He believes that, instead of pre-empting major reforms being considered to health funding by the National Health and Hospitals Reform Commission, keeping the current arrangements under which Calvary operates would have benefits that include greater efficiencies, diversity and choice. He takes a reality check on the situation and, as Mrs Dunne said, on page 4 of the *Public Sector Informant* of 5 May 2009, suggests:

> But this is really playing accounting mirrors, because either way the ACT Government (with federal help) will continue to meet the costs of the hospital's public patient services. Moreover, the underlying liabilities will be lower if the

> Little Company of Mary uses the assets more effectively than a government owner/manager. … The idea that government ownership of Calvary may improve the financial standing of the ACT is particularly obtuse.

It is easy to see that Calvary is potentially more efficient. The government should be looking at ways to help improve Canberra Hospital rather than perhaps dragging Calvary hospital down. What the Treasurer is suggesting is that we pay for something that is already providing health services in the ACT then make further investments for the future. Why don't we just focus on the investments for the future? Why don't we focus on that? But, again, we cannot make all these clear decisions, all these decisions that need to be made, unless we have the information at hand, and that information should come from the Auditor-General.

Many in the ACT community prefer the management of Calvary Hospital to that of Canberra Hospital. Anecdotally, I think I receive far more glowing reports about Calvary Hospital than I do about the Canberra Hospital and I think that would be a view shared by many in this place even. It has been suggested to me that most people, if they had the opportunity, would choose to go to Calvary. I realise that is anecdotal but I think that that is quite possibly the case for many people.

I will finish with the question posed by Andrew Podger at the end of his piece in the *Public Sector Informant*:

> … will the proposed deal improve the quality of public hospital services for patients and their families? If not, then someone please get the accountants to fix a problem that is theirs, not the taxpayers or the hospital users.

That is why this issue should go to the Auditor-General and I commend this motion to the Assembly.

Ms Gallagher: Are you going to read Podger too, Mr Doszpot?

MADAM ASSISTANT SPEAKER: Mr Doszpot, before you start: Ms Gallagher, please stop interrupting.

Ms Gallagher: I will try my best. They do get me agitated and excited.

MR DOSZPOT (Brindabella) (3.45): Thank you, Madam Assistant Speaker. My colleagues have outlined the case to support this motion from Mr Hanson in quite extensive detail. We have covered the perceived flaws in the process and the consultation overall at some length. This motion seeks the independent analysis of the proposal to sell Clare Holland House and purchase Calvary Public Hospital, something which has been the norm in this Assembly, especially for the ACT Greens. We have seen numerous issues referred to the committee process or the Auditor-General for independent assessment. This issue is no different. There is a very real need to ensure that this proposal is justified and that due process has been followed. In fact, some consistency, Ms Bresnan, is in order now on this issue.

The ACT Greens were quite happy to argue for the Education Act to have an 18-month long consultation process before schools were closed in the future. However, our colleagues the Greens appear comfortable with a six-week time frame

for consultation on this major proposal which, like the school closures fiasco, will also have a huge impact on the whole ACT community.

There has been extensive media coverage and commentary on most aspects of this deal, not the least being the proposed sale of Clare Holland House and the consultation that has accompanied the proposal from the beginning. Earlier this month the government announced a six-week consultation period for the $77 million proposal to purchase Calvary hospital. This announcement came at the very last minute after dealings had well and truly begun. This is the 11th hour, half-hearted attempt at consultation that this government is infamous for. We only have to look again at the school closures process in 2006, the legacy of which we are still dealing with as a community, or trying to deal with—unfortunately, we got gagged on that—to see a prime example of consultation as understood by this government.

Consultation obviously still means very different things to this government than it does to others in the community. Concerns have been raised for some months now—in fact, since the deal became public—by many sectors of the community, as Mr Coe just alluded to, including all stakeholders. The point must be made here today that this is a major change to the delivery of our health services and it comes at a very significant financial cost.

We know that until recently a lot of the dealings regarding the proposed sale have been done behind closed doors. In fact, we know that the government was urging the Little Company of Mary to sign a heads of agreement before the caretaker period began prior to the election last year. No mention at all was made of this proposed deal during the election—none whatsoever. This illustrates just how long this plan has been in place—over a year—without any consultation with the community. Again, many parallels can be drawn with the schools closure debacle in 2006. The government has failed thus far to put the case forward that this is indeed the best use of public funds. This sham consultation at the last minute, announced this month, confirms that the government will pursue this deal at all costs.

With regard to the inclusion of Clare Holland House in the deal, I heard a caller on talkback radio, one of the many over the past few months who have responded to this issue, in a very emotional plea this morning say that Clare Holland House had provided a wonderful service to him and his family in a very professional way and that he was quite distressed at the possibility that this wonderful service that is being delivered so well could possibly be run by an organisation that is not operating so well—that is, ACT Health.

The overwhelming feeling amongst the community, especially those who have had any experience with the service provided at Clare Holland House, is one of worry and deep concern. There is a distinct perception that questions remain unanswered and fears have not been allayed. This has been articulated very loudly and very clearly. In the *Sunday Canberra Times* of 16 August Shirley Sutton, one of the founding members and patron of the ACT Palliative Care Society, said she could not understand why the sale of the leasehold of the hospice was being included in the proposed deal between ACT Health and the Little Company of Mary for the purchase of Calvary hospital. While Ms Sutton was not commenting on behalf of the Palliative Care Society at that time, the society have publicly voiced their opposition to the sale.

Again in the *Sunday Canberra Times* of 19 July the ACT Palliative Care Society quoted from their position paper which states that the hospice should continue to be a publicly owned hospice as conceived and created by the ACT community. The secretary of the ACT branch of the Australian Nursing Federation, in a letter to the editor on 26 July, supported the stance of the ACT Palliative Care Society. While they support the sale as such, there is great concern over the necessity of the sale being contingent on the sale of the hospice.

This is an entirely appropriate motion that Mr Hanson has brought to this place today. It is right and proper that this matter is scrutinised by an independent body such as the Auditor-General in order that the community can be reassured that due process has been followed, that this decision has been taken by the government in the best interests of the whole community and that it will deliver the best health outcomes for the community. I thank Mr Hanson for bringing this motion to this place today.

MR HANSON (Molonglo) (3.51), in reply: I would like to thank my colleagues for their words today and their support of the motion. I am disappointed, to be frank, that the Greens and Labor are not supporting this motion. I have made the opposition's position very clear on this matter. We want to gather the evidence and scrutinise the evidence. The Auditor-General would greatly assist in that process both by her expertise and her independence.

I do not understand why Ms Gallagher, who is so confident of her position, would not want that independent scrutiny. If the Auditor-General were to do that, surely it would only validate the arguments that she is putting forward in this place. It is beyond me why she would not want that process to occur. To be honest, I thought that she would be supporting this, as I thought the Greens would. I would ask: what is it that she is afraid of? Unfortunately, by her refusing and the Greens' refusing to agree to an independent analysis, all it has done is create further concern and disquiet both in this place and in the community.

If she had simply agreed and said, "Yes, let the independent auditor have a look," then the independent auditor could have gone away, had a look at the facts and figures and then come back and expressed a view on the accuracy of the data. It certainly would not be a political audit; it would be simply expressing more detail about the validity of the finance case being put forward.

I think she had missed an opportunity, to be frank, to reassure the community and to help convince the opposition, because I have made it very clear that we are standing here ready to be convinced. She could have assisted in that process. If the Auditor-General had come back with a glowing report of what a great idea this was, it would have been more difficult for us to block it, if that is what she is concerned about. I think she has missed an opportunity and I am disappointed.

The accusations that we are trying to delay the deal are entirely false. We are running to the government's time line on this. We do not have an influence over that. If you look at the date that I put forward for the Auditor-General's report to the Assembly, it is actually the first sitting day of next year, which is entirely consistent with the time frame by which the Appropriation Bill would be debated. I do not see where that

accusation to delay lies. Reviewing the Waterford article, I do not think he is suggesting the opposition is trying to delay.

I believe that the Little Company of Mary are genuine in their desire to have a private hospital there, but we must be aware that a private hospital is not part of this deal. All that is part of this deal is the option of two pieces of land. I have spoken to Tom Brennan about it. There is no guarantee that we will get a private hospital once we decant the private hospital that currently exists. We just need to be aware of that risk.

I turn now to the Greens' comments. I think they have embarrassed themselves today on a number of counts. I turn firstly to Ms Hunter's embarrassing episode when she went down and fronted the media and accused me of not having researched this issue because I had not spoken to the Auditor-General. Ms Bresnan told her I had not spoken to the Auditor-General. We all know that I have spoken to the Auditor-General. Ms Bresnan knows that I have spoken to the Auditor-General. To say that I had not researched it indicates who had not done their research, and that is Ms Hunter. Unfortunately, by saying that she has made herself look rather like a fool.

I can tell you the research I have done, which I would contend is far more than the Greens have done. I have been through the government's documents in detail on the web and I have extensive notes. I would like to review them with you, but they might be a little bit sensitive for you to look at, to be honest, Ms Gallagher. The Auditor-General's report I have obviously been through in detail and I note, in my extensive reading, that there is no mention of a sale or a purchase—nor is there a mention of Clare Holland House anywhere in that report, which is an important part of this detail also.

I have been briefed by Tom Brennan personally and I have spoken to him several times by phone. I have toured through the hospital twice—once through the private hospital, with Walter Kmet from the Little Company of Mary, and once with ACT Health staff through the public hospital. What else have I done? I have had two briefings from the Treasurer. I have had two conversations with the Auditor-General, Ms Hunter, which is more than anyone—any member of the Greens party, who have not spoken to her at all—has had.

Ms Hunter interjecting—

MR HANSON: Your staff did. In other words, it is a very different thing when you are accusing me of not having done the research. I have spoken to her twice. I have spoken to her head of financial auditing and you are saying, "We've done all the research because one of my staff had a chat to her." Do not come into this place saying that I have not done the research when it is you that has not. I also sought advice from the Clerk prior to putting this motion in as to whether it was appropriate and whether it was in accord with the legislation. I received advice from the Clerk of the Assembly that it was entirely appropriate and that what I was doing was fine.

I would contend that if the Greens are going to stand here and argue that the motion was not researched, that it was not appropriate, that it was not in accordance with the act and that I had not spoken to the Auditor-General and so on, they need to get their

facts right. They did not do so and they went to the media. They got it wrong and they looked like the fools that they are.

Getting back to the issue, Ms Gallagher, the issue is that the Greens are going to block it, you are going to block it and you are avoiding scrutiny. You had an opportunity here to add further weight to your case and you shunned it. Why? The community will be asking, "Why?"

The Greens—to finish off on them—have an entirely contradictory position. They are arguing in the media—and I have heard them do it—saying, "Public health should be in public hands." That does make sense for the Calvary hospital and I accept that—that is entirely consistent with our ideology—but they are also saying, "We're happy to have the deal where Clare Holland House can be transferred."

Ms Hunter: We haven't said that, Jeremy.

MR HANSON: You said quite clearly that you are going to support this deal.

Ms Hunter: You're just making it up on the run now.

MR HANSON: We will see in February, won't we? We certainly will.

Turning to Mr Corbell, I was a bit surprised at the criticism that he had of the opposition when we actually want to gather information and do analysis on this proposal. The Liberal way of doing things is to gather the facts, examine the details and do the analysis. That enables us to make the decision. That is very different from the Labor way of doing things, which is to make the decision and then go through a process of justifying that decision. Through periods of consultation—the sarcastic note of my voice when I say "consultation" probably will not be reflected in *Hansard*—you have to justify that decision. Well, what a shame.

As my colleagues have said, this was not about politicising the Auditor-General. That is her job—asking her to review the facts. I would have hoped that if the Treasurer had been telling us the truth in this place, it would have simply supported and added weight to her case. Why would she not do it? Why would she not allow the Auditor-General to have an independent, non-political look at the facts of the matter? She accuses me of politicising the process. When I say, "Here's an option to take the politics out of it and have the independent Auditor-General look at it," she says, "No, no, no." How ridiculous. What do we want? We want scrutiny, we want accountability and we want openness.

Ms Gallagher: And we want you to come up with a position.

MR HANSON: I will tell you: we will come up with a position in February when we have done the research, when we have done the analysis and when we have gathered the evidence. Labor and the Greens clearly do not want scrutiny. I can see no other logical explanation. They do not want the scrutiny. They are hiding from the scrutiny. What we have seen today from the Greens is that they are prepared to put their ideology way out in front of public accountability. That is the simple response of what

scrutiny, who do not want independent analysis and who are focused on ideology. There is one party who wants the Auditor-General to have an independent analysis of the matter.

In closing, I again thank my opposition colleagues for their words and their support on this motion. They recognise the importance of an independent review. They have made many points and have raised many of the concerns that have been expressed in the media, in private representations and by peak bodies—and I read out the list at the beginning of my motion as to how many they are—ranging from medical groups through to independent citizens who are concerned. I thank them for their comments.

I am seriously disappointed, and I am surprised, to be frank, that the Greens do not support this motion. I thought that they would have seen this as an opportunity to provide independent scrutiny. I thought that is what the Greens were talking about when they came to this place, but we have seen time and time again now that the rhetoric changes. When it is something that they support ideologically, they want it pushed through. If they do not support it ideologically, they do not.

Question put:

> That **Mr Hanson's** motion be agreed to.

The Assembly voted—

Ayes 5	Noes 10	
Mr Coe	Mr Barr	Mr Hargreaves
Mr Doszpot	Ms Bresnan	Ms Hunter
Mrs Dunne	Ms Burch	Ms Le Couteur
Mr Hanson	Mr Corbell	Ms Porter
Mr Smyth	Ms Gallagher	Mr Rattenbury

Question so resolved in the negative.

Motion negatived.

Housing—non-government providers

MS BRESNAN (Brindabella) (4.05): I move:

> That this Assembly:
>
> (1) notes:
>
> (a) the growing role of non-government housing providers in the supply and management of supported and affordable housing;
>
> (b) the difference that the ownership of housing, and its condition, can make to providers' viability; and

(c) the impact of the formulae for government funding to providers on the quality of the providers' services; and

(2) calls on the ACT Government to:

(a) commission an independent comparative analysis of the formulae for government funding, and the property ownership and equity models, that apply to the various non-government housing providers within the ACT and in each State and Territory, with a view to their impact on the viability of non-government housing providers and quality of services the providers can deliver; and

(b) table that analysis in the Assembly by the last sitting week in November 2009.

The ACT Greens believe in the positive role that non-government housing can provide in assisting vulnerable people in our community to live in a stable and socially inclusive environment. The Greens acknowledge that, for a non-government housing provider to be able to succeed, it needs a stable financial footing, achieved through its ownership of assets, the condition of those assets and government subsidisation. Various governments can, however, place unsustainable conditions on non-government housing providers and put them in a situation which is unviable. We do not want to see this situation in the ACT. Therefore I have moved a motion today which calls for the collection of such data.

The motion which I have moved today is fairly straightforward. It calls on the ACT government to commission a transparent and independent comparison of the arrangements which support non-government housing providers across Australia and most particularly in the ACT and bring that information back to the Assembly.

I am aware that the Australian government has commissioned KPMG to provide strategic advice on the viability and sustainability of the community housing sector in Australia and to assess prospects for growth. It is unfortunate that the terms of reference for the KPMG review are not yet publicly available and that there is no definite time line for the release of the report. Otherwise we would be more confident about building a more detailed local analysis on the back of that work. Hopefully, that can happen.

The time frame for this motion is driven by concern in the local sector that some ACT community housing providers are in an increasingly difficult situation, and greater transparency would assist the development of housing policy and public debate. The non-government housing sector is growing in response to housing need across Australia. This is partly to fill in the gap created by governments that have backed away from public housing, to meet specific social or community needs on occasion, as a growth opportunity for community service providers, and as a way of building business and community partnership to deliver a form of guaranteed affordable housing in a market which, over the last 15 years, has seen housing prices escalate. In any event, I think we all recognise that non-government housing providers have a growing role in the national housing strategy, and a significant part of the social housing component of the federal government's stimulus package is targeted to the non-government or community housing sector.

The intention of the Australian government's stimulus package for social housing is that a major proportion of the assets funded by this investment are to be handed over to non-government providers and they will also have the responsibility for managing them. In part, that reflects the growing reality of the broader housing market. It also reflects the judgement that the Australian government has made on the capacity of the public housing providers across the various states of Australia.

Here in the ACT we have seen changes over the years. I think everyone knows that the Greens have a slightly different view of the role of and potential for public housing than the Labor Party and, more particularly, the Liberal Party. But the purpose of this motion is not to re-prosecute arguments about the role of public housing. After all, the Labor-Greens agreement includes a commitment to grow our public housing stock to 10 per cent, which is based on a belief that a socially and economically sustainable model for public housing needs to be big enough and welcoming enough to support a social mix. And the ACT public housing stock is growing, so we are moving in the right direction.

The Greens are also enthusiastic about the role of non-government housing providers that work with specific communities of need and/or interest. While we appreciate the role that affordable housing providers have to play for those people on lower incomes who do not require social assistance, we do not want advancements in this area to disadvantage those constituents who genuinely need community housing and the social assistance that can come with that.

The community housing sector has also been shaken up over the last three years or so. Again, I will not go into detail on that. The point is to pay some regard to where we are now. Community Housing Canberra has changed its name to CHC Affordable Housing. The ACT government transferred to it $40 million of housing assets and extended to it a line of credit. It is now an independent affordable housing provider which leases a number of properties to community housing providers and is looking to develop properties for rent at 75 per cent of market rent, and for sale on various occasions, in order to grow its business, which is the supply of affordable housing in the ACT. Interestingly, the social housing stimulus investment has seen CHC also recommit to the provision of housing at the rebate level of 25 per cent of income, an area it had previously flagged it was moving away from.

Smaller community housing providers that had responsibility for delivering a suite of services have variously closed, reorganised or amalgamated. Back in 1997, for example, there were around 15 community housing providers in Canberra. There are now a lot less. The largest existing community housing provider in the ACT now is Havelock Housing Association. In addition to Havelock House, it has responsibility for Ainslie Village and a number of other properties. The properties that it manages are owned by the ACT government. Before the 2006 reorganisation, those properties were available at a peppercorn rent. Presently, Havelock is paying 35 per cent of market rent to the ACT government and that charge, I understand, will go up to 40 per cent next year. Some of the smaller community housing providers own properties; others rent them from CHC or the government at various rates.

The key difference here between the viability for community housing providers and affordable housing providers is the assets or credit that they can draw on to maintain a level of financial viability. Such assets and credit have been provided by the ACT government to the affordable housing provider but not to community housing providers. Does this therefore mean that the government will only support non-government housing providers where there is assurance that they will not also have to provide some kind of social assistance to the tenant?

Along with the commonwealth stimulus spending, it is generally understood across the sector that new community housing providers are coming into the ACT market. The other part of this equation is people—the residents or tenants who are likely to inhabit these homes. ACT Shelter last month produced a report which pointed to the growing number of Canberrans stuck in crisis accommodation because the rental market is too expensive. The report found that this rental trap is putting pressure on the public housing sector and that, as a result, there is a growing shortage of emergency housing. ACT Shelter also found:

> In the ACT we have the highest private rents in the country and so the private rental market is not really a viable option for people leaving crisis services here as it is in other jurisdictions.

Even the so-called "affordable housing" option where homes are available at 75 per cent of market rent is now out of reach of many people in Canberra who no longer qualify for or cannot access public housing. Consequently, we need to review the role of non-government housing providers in the ACT and ensure that the funding model they are required to work with gives them scope to manage their property successfully and provide realistic medium and long-term housing options for Canberra people trapped in the lower end of the rental market.

I have to say that some parties are somewhat suspicious of the ACT government's approach to supporting the non-government housing sector, and the government does have significant power in this arena. It has been government decisions that have set the funding parameters, the ownership arrangements and so on. That is why it is important to ensure that there is an independent and transparent process to compare the fundamental arrangements that govern the various non-government housing services.

I understand that the Liberal Party are concerned that this motion will incur unnecessary expense. I believe that, having regard to the way it is written, the Australian government's KPMG report, if it is delivered in time, can feed into the analysis that this motion is calling for. We will be happy to work collaboratively with both the Labor and Liberal parties in order to make sure we are as efficient as possible.

We have asked that the advice be made available to the Assembly by the December sittings this year. The reason for this is that things are changing very quickly right now in the non-government housing sector, and the resulting advice and information will be very important to the sector. I commend the motion to the Assembly.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (4.14): The government will be opposing half of the motion moved by the Greens. The government will support paragraphs (1)(a), (1)(b) and (1)(c) of the motion. The government will be opposing the second part of the motion, as I am concerned that it calls on the ACT government to commission a body of work that may be duplicating what is already being carried out by the commonwealth and the ACT government.

Furthermore, the second part of the motion asks us to bring forward an enormous amount of detailed financial work on community housing for tabling in the Assembly in November, which is a completely impossible time frame within which to complete such an enormous national comparison. That is why I now formally move the amendment circulated in my name:

> Omit all words after paragraph (1)(c), substitute:
>
> "(d) that the Commonwealth Government has commissioned KPMG in 2009 to provide strategic advice on the viability and sustainability of the community housing sector in Australia and to assess prospects for growth;
>
> (e) that the ACT Government will circulate the terms of reference of the project once permission for its publication has been received from KPMG and the Commonwealth;
>
> (f) that the ACT Government will table the KPMG report upon receipt; and
>
> (g) that the work undertaken by KPMG will inform further policy formulation with regards to community housing and it is noted that this will avoid a duplication of both effort and cost.".

The basic premise of this Greens motion is that the government have dropped the ball on community and affordable housing, which could not be further from the truth. It certainly seems that, every few months or so, the Greens and the Liberal opposition trawl through their lists of issues and drag this one up again and again. I can assure this Assembly that we are already participating in national projects to evaluate community housing. In fact, under the auspices of the Housing Ministers Conference, the ACT is involved in detailed work relating to community housing, including strategies to develop the not-for-profit sector, such as reform measures to improve accountability. This gives us the opportunity to have a really good look at the whole national scene. It will give us access to national analysis by the Australian government and data from the states and territories which we might not otherwise have access to.

As one of the key housing reforms required under the national affordable housing agreement, the ACT government are moving towards a common waiting list for both community and public housing. We have made substantial progress towards this, working in partnership with providers. Once achieved, the shared waiting list will provide significant assistance to community housing providers in the management of their waiting lists. This will create efficiencies and further enable quality services to

be provided to tenants. It will also help to integrate the broader housing continuum and enhance choice for people seeking housing.

The ACT government released its affordable housing action plan in April 2007, which acknowledges the crucial role that non-government housing providers play in the provision and management of affordable and supported housing. The initiatives in the strategy which focus on the community and the not-for-profit housing sector have been designed specifically to support growth in the community housing sector so that it can meet the needs of Canberrans that do not meet the income criteria for public housing. Specifically, the recommendations include initiatives to expand the capacity of CHC Affordable Housing, with the transfer of 135 properties from Housing ACT, exemption from duty and land tax and a $50 million revolving finance facility. In return, CHC has agreed to offer 1,000 new affordable dwellings for sale and rent over the next 10 years.

This government recognises the importance and potential of the not-for-profit sector in the housing continuum, but acknowledges that the size and capacity of the sector require additional work for them to become large-scale providers. The funding arrangements in the ACT for the community housing providers are structured to recognise the dual role of these providers in relation to tenancy management and the provision of more supportive tenancy management to clients with complex needs. Providers receive a benchmark payment for tenancy management of $677 per property and an additional $112 per property for tenancy support. This equates to a total of $789 per property per year.

The tenancy management payment supports the provision of services associated with the management of a person's tenancy, including the collection of rent, management of arrears, maintenance of the waiting list and the allocation of properties to eligible tenants. The tenancy support payment is provided to small housing providers, such as TAS Housing, the Tamil Senior Citizens and Billabong Aboriginal Corporation, who target specific segments of the community and who receive this benchmark for the provision of supportive tenancy management for complex clients. In addition, some community housing providers, such as Havelock Housing Association and Billabong, receive operational subsidies from the ACT government equating to a payment of $50,000 per annum to Havelock and a payment of $81,000 to Billabong in the last financial year.

In addition, the majority of properties in the community housing sector are head leased from Housing ACT and in most cases the property ownership costs are borne by Housing ACT. This includes rates, insurance, repairs and maintenance and the debt servicing costs for commonwealth loans which were used to purchase these properties. The cost of repaying the principal and interest on the commonwealth loans by Housing ACT amounts to a subsidy of $817 per dwelling.

All of this assistance increases the viability of these organisations. It is a direct funding supplement by the ACT government for the provision of support to complex housing tenants in community housing. It is direct evidence against the Greens' implication that community housing providers are not funded to provide quality services and outcomes for their tenants. What nonsense!

Further, the rental income for community housing is boosted by their ability to attract commonwealth rent assistance from the Australian government—a source of revenue that is not available to public housing providers. That is a significant point. Community housing can attract commonwealth rent assistance, and that is a significant amount of money that goes into their coffers. In addition, larger community housing organisations such as Havelock Housing Association are funded from the retention of rents from tenants. So they have got CRA plus those rents.

An independent consultant indicated that Housing ACT should charge the community housing providers at least 50 per cent of the market rent for each property to cover property ownership costs. However, Havelock Housing Association, which is a recipient of the highest number of head leased properties from Housing ACT, pays no more than 35 per cent of market rent—a considerable subsidy. For Ainslie Village, which has transitioned to a community housing site, Havelock House receives a payment of $374,000 per annum to assist in managing the high-needs tenants at Ainslie Village, as well as retaining approximately $556,000 in rental receipts per annum. There are incentives in this funding structure to encourage providers towards the provision of high-quality housing services. For example, the more rent collected, the more viability of the organisation improves and better services for the tenants can be provided.

Public housing is doing a fine job for people with an income of under $33,000, and we are increasing affordable housing options for people in these income brackets. Community housing's place in this continuum sits between public and affordable options to provide unique housing options to those on incomes up to $50,000. In some cases, community housing providers are providing an affordable rental option by charging rent at 74.9 per cent of market rent. Social housing providers cannot afford to be competing for the same client group. We must work together to concentrate on a more seamless system of housing options.

On the expenditure side, the taxation concessions and concessions for other government rates, taxes and charges mean that the costs of community housing are lower than those for public housing. I will give a quick summary of those benefits enjoyed by community housing in this regard. In the last five years of the commonwealth-state housing agreement, the ACT was one of the few jurisdictions to grow its public housing stock despite the financial disadvantages facing public housing. This government's commitment to the growth of affordable housing will enable the not-for-profit sector to enhance housing options and products already provided by Housing ACT and the community housing sector.

I reiterate that we are not opposing the second half of the Greens' motion just for its own sake. We are opposing it because there are practical difficulties in our doing this. The first one is that we would be duplicating work which has already been done, and that would seem to be a cost that the taxpayer should not bear here unnecessarily. The federal government has commissioned KPMG to do such a comparison. The problem for us in the ACT is that we cannot insist upon seeing the data from the other jurisdictions. We can ask for it, but my experience in the past has been that you get it quite readily from a couple of jurisdictions but not from a couple of the others. Some

of them are quite recalcitrant about it. Western Australia is particularly difficult, New South Wales is difficult and often Victoria is as well.

The second issue for us is that we have data definition difficulties. We do not share the same definition of the data, so making a comparison is particularly difficult. I know, for example—and I quoted this to Mr Coe just a moment ago and I will do it for the record—that the way in which we count the dollars spent per dwelling on our repairs and maintenance in multi-unit complexes is different from the way it is calculated in New South Wales and Victoria. In fact, an examination of the report on government services, known as the Productivity Commission report, will show quite different figures, and it makes each of the jurisdictions look quite strange at times.

Another problem for us in complying with part (2) of the Greens' motion is that they want us to provide all of this detailed work within, we believe, an unreasonable time frame. It is not that we feel that their request is unreasonable; it is just that we do not think it is reasonable for us to be able, physically, to get the data in from those states, analyse it and put it together in a meaningful report for Assembly colleagues to consider. It would be a better use of our time to receive the KPMG report, unpick that and then bring it forward to the Assembly.

I undertake, on behalf of the government, that the moment the KPMG report is received by the ACT, we will bring it forward and table it at the first available opportunity in this Assembly. Of course, prior to that, we will give it to Ms Bresnan and Mr Coe for their consideration. I am quite pleased to be able to do that.

I know that Mr Coe has signalled a possible intention to proceed with an amendment asking us to provide this. Unfortunately, the KPMG report is not ours to do that with, and I have not received a copy of it yet. I have signalled with the federal Minister for Housing that, if this motion is amended in accordance with the government's amendment, it will be used by this Assembly to judge the efficacy of the community housing sector and what the government is doing to enhance that particular sector.

We support the first part of the motion from the Greens. We seem lately, with the Greens and the Liberal Party, to be in more furious agreement than we are in disagreement. Perhaps these issues are really relatively minor, in fact, in our collective march towards making sure that those people who are marginalised economically and through other circumstances are not marginalised in the housing bit of their lives. I am very keen to make sure that does not occur. I ask the Greens to reconsider their lack of support for our amendment and seek the opposition's support for that amendment.

I say also that it is with sincerity that I offer to bring the KPMG report to the chamber immediately that it is available. As I say, I have signalled it with the federal minister, so they are aware of it. It is the sort of information that we should be sharing because it does not do anybody any good for us to receive this sort of information, which is about how we are getting on in this sector, how we are enhancing it and whether it fits into the continuum of the housing sector, and not share it. I seek the Assembly's support for my amendment.

MR COE (Ginninderra) (4.28): I rise to speak broadly in support of the sentiments of Ms Bresnan's motion on community housing. It is an important motion because it

gives the Assembly another opportunity to debate the role of community housing providers in the social housing sector in the ACT. They can, and should, play a larger role in this sector, I believe.

As many will know from my previous remarks on this topic in the chamber, the community housing sector is important because it can provide assistance to people in an often much more efficient and sensitive manner than can public housing. Individual circumstances are often better catered for by the diverse range of options that can be provided by the community housing organisations that exist in the ACT. Indeed, the Productivity Commission, in its report on government services in 2006, described community housing as follows:

> Community housing is generally managed by not-for-profit organisations or local governments, which perform asset and tenancy management functions. A major objective of community housing is to increase social capital by encouraging local communities to take a more active role in planning and managing appropriate and affordable transitional and long term rental accommodation. Community housing is also intended to provide a choice of housing location, physical type and management arrangements. Some forms of community housing also allow tenants to participate in the management of their housing.
>
> Community housing programs aim to achieve links between housing and services that are best managed at the community level, including services for people with a disability, and home and community care. Notwithstanding their common objectives, community housing programs vary within and across jurisdictions in their administration and types of accommodation.

That is an important point which I will come back to very shortly. Ms Bresnan's motion notes the growing role of non-government housing providers in the supply and management of supported affordable housing. It also notes the impact that the ownership of housing, and its condition, can make to providers' viability, and the impact that government funding settings have on the quality of the providers' services.

On that I will slightly deviate and reiterate what I said in the debate on the previous motion—that I notice an inconsistency with the Greens here. The last motion, which Mr Hanson put forward, was on the role of the private sector in health care and the role that Calvary hospital has in the suite of health options in the ACT. It was very interesting that the Greens seemed to be quite opposed to having a non-government provider in the healthcare space, yet they are very interested in having non-government providers in the housing space. Taking a philosophical approach to this, there is not much of a difference in terms of housing and health care. If the Greens were consistent with their philosophy and the application of their philosophy on these motions then surely they would have supported the previous motion.

Going back to this particular motion and its benefits, the benefits of community housing to Canberrans, I welcome the motion's call for an independent comparative analysis. I think that is important. Many problems and inefficiencies can arise in a federal system of government, but one of the advantages when you have multiple jurisdictions at the same level in that second tier of government is that you can compare data and you can compare the performance of states against territories, just

as we also compare local government authorities against each other. If we are to maximise the benefits of our federal system, it would make sense that in areas such as housing we benchmark ourselves against other jurisdictions so that we can ensure we are delivering an efficient service.

It is important that when we are assessing options for the future of the sector we do so with the best advice available. I note the government's amendment in which it is made clear that some of this work has been done at a federal level through the KPMG report. I understand the analysis will look at things such as formulae for government funding and property ownership and equity models. I understand the analysis will look at these things both in the ACT and across the other jurisdictions. This analysis will provide information on how each of these factors impacts on the viability of providers and how they deliver their services.

I will expand on what the minister said earlier about some of the complexities in measuring data from different states. I share his concern. I very much understand the enormity and complexity of comparing different jurisdictions on issues such as maintenance and the different lease arrangements that exist. All of these are very much dependent upon the legislative arrangements that exist in each jurisdiction. One jurisdiction could be doing something in compliance with its own law which could be in contradiction to a different law. Therefore, you are going to get different management models, different data, different information and different funding models which make this a very tricky operation. That is why I think the federal government should be applauded for putting together and commissioning this KPMG report. It is a big task. I acknowledge that it would probably be a very big task for Housing ACT to do this as well.

It makes sense to me, and it makes sense to the opposition, that it is best to wait and see what information is contained in the KPMG report. Then, when we get that, we can decide the best way forward. That is probably the best service we can provide to the ACT taxpayer. Before commissioning and committing Housing ACT's resources to undertaking such research, it is best to wait for perhaps a few months—hopefully just a few months—for the KPMG report to be tabled so that we can then base our plan of attack on the information that will be available free of charge to the territory through the KPMG report.

There are a number of models available for the management of the social housing sector in the ACT and elsewhere. These include community organisations, joint ventures between church, charities and agencies, cooperatives which own the housing stock and cooperatives which do not own the housing stock. There can be housing associations that do not own the stock but manage the properties and tenancies, and then there are government owned and managed properties.

Some information that is already available to me shows that community housing is doing a pretty reasonable job. Here in the ACT Havelock Housing spends more on maintenance per dwelling than Housing ACT does on its properties. Havelock Housing spends much less per dwelling on overheads, including salaries and administration. I believe I have quoted to the Assembly before, and it is worth reiterating, the Australian Housing and Urban Research Institute report of June 2008 by Dr Jon Hall in regard to some of the comparisons. It is worth noting that, in terms

of the net average maintenance expenditure per dwelling in 2005-06, Havelock spent $3,237, whereas ACT public housing spent $2,509. That is a fair difference on what is a fairly low amount. In addition to that, in terms of the net average total overhead, probably salaries and administration, Havelock spent $1,791 per dwelling as opposed to Housing ACT, which spent roughly double that at $3,356.

It is also worth noting the average total overhead expenditure per dwelling for interest and depreciation. Havelock came in under Housing ACT by about $1,000. Havelock came in at $6,173, whereas ACT public housing came in at $7,163. These are telling statistics and they show that there is considerable benefit to be gained by doing these comparisons. It would be worth while to see comparisons that go beyond the ACT and into other jurisdictions. I welcome the sentiments of Ms Bresnan's motion, but we will be supporting Mr Hargreaves's amendment.

It is a matter of concern that there are still a number of factors that mean the operating costs of community housing can be understated. According to Havelock Housing, they include voluntarism, concession, non-quantified state subsidies, the cost of capital and the provision for asset replacement. All these things are very hard for the ACT to compile, but if we can put a price on these and actually quantify this information, then it would be very valuable to do so. Hopefully, the KPMG report will do that, but, of course, we do not know that. When the KPMG report comes in we will be able to make a better assessment of what it includes, what it does not include and what we need to find out. Then we can plan our way forward.

The opposition look forward to seeing the data and the continuing work in this important area. By simply passing this motion today with the amendment, the opposition do not see this issue as being closed. This is merely the beginning. When we get the KPMG report we hope that we will be able to build upon the information that is included in it. The Assembly may be able to move a motion calling on Housing ACT to do more research, if that is required.

MS BURCH (Brindabella) (4.38): I take this opportunity to congratulate the housing minister and the Chief Minister on their achievements with respect to community and affordable housing. In speaking on this motion concerning community and affordable housing, I think it is important that the Assembly is aware of the extensive work that has been undertaken by this government on the future of community and affordable housing in the ACT. In addition, the Assembly would be interested in the views of the sector itself through its peak body, the Community Housing Federation of Australia.

The Assembly may also be interested to know that several reviews of community housing and discussion papers on its future and role have been undertaken over the past few years. I looked through the reviews and discussion papers and found the following five efforts. First, the consultation in 2002 and the subsequent release of the ACT community housing framework in 2003 confirmed the ACT government's position that community housing should grow, but not at the expense of public housing. The framework set the goal of growth and gave rise to the following pieces of work more or less related to how growth might be possible.

Second, a GAPP Consulting review of the head leasing program in 2003 produced draft guidelines and a funding framework and was released for discussion in 2004. It

recommended fewer providers and a definite number of properties to be released for head leasing each year. Third, a Morgan and Disney consultation was completed on an external appeal mechanism for community housing in 2004. It recommended the use of the Housing ACT housing review committee. However, this recommendation was not implemented.

Fourth, a review of the constitution and arrangements for CHC was done by RPR Consulting in October 2003. The recommendations for changes to the constitution to secure the ACT government interest in the assets were rejected by the CHC members at the AGM of 2004, with changes finally agreed in December 2006, some three years after the original review.

Fifth, there was a review of funding by SGS Consulting in 2005. This was undertaken in consultation with the sector and with the ACT peak CCHOACT on the steering committee. The final report was released in June 2006 and the funding model implemented from the 2006-07 funding year, involving benchmark payments per tenancy and the move to accreditation of providers to ensure quality tenancy and property management.

Minister Hargreaves held a ministerial forum in 2005, with a discussion paper and all the issues raised about the viability of the sector. There was debate about whether CHC should focus on asset management and leave tenancy management to others, its role in affordable housing and the issues about how many properties are needed for viability and the discussion of amalgamations, the need for accreditation, and even the prospect of eventual regulation.

With this level of examination and discussion, what has changed since then? Funding changes were implemented in the 2006-07 budget. Amalgamation and rationalisation of tenancy management and tenancy management organisations proceeded in the sector. In 2007 we saw the implementation of the ACT government's affordable housing action plan which finally gave CHC the assets and leverage it was looking for. This was a transfer of 135 properties worth $40 million, a revolving line of credit of $50 million at Treasury rates, and targeted growth figures of 1,000 properties over 10 years.

In February 2009, the federal Labor government's announcement of the nation building and job stimulus package, bringing some additional $96 million worth of construction and capital into ACT for social housing, created further interest in our community in affordable housing. I believe that this indeed reignited the debate and intense interest in community housing. This government has never lost interest. As I have outlined, we have implemented the recommendations of most reviews in order to put it in the best possible position. The government has done the right thing by community and affordable housing providers.

In summary, I think it is clear that the government has never lost interest in community and affordable housing. The government has been actively involved in resourcing and reform, after undertaking an extensive and impressive array of reviews in consultation with the sector. Furthermore, the government has announced a further 115 properties to be built by or for the sector as part of the stimulus package for social

housing. Again, I congratulate the housing minister and the Chief Minister on their achievements with respect to community and affordable housing.

MS BRESNAN (Brindabella) (4.44): Firstly in relation to Mr Hargreaves's amendment, I think we would all be happy for the ACT government to save money, avoid duplication and draw on available information by picking up on the work that is commonwealth funded, if that work is applicable and arrives in time. I believe it is not beneficial to back away from the concrete commitment that this motion seeks to provide a national and local comparison of the situation among government housing providers on our terms simply because some other related national work is happening elsewhere. As I have previously noted, there is a rather pressing need for the information, particularly for organisations involved in service delivery. We cannot simply wait for the KPMG report without knowing what the report will contain or when it is due. We have not even seen the terms of reference, so we do not know exactly what it will be looking at.

I thank and acknowledge the minister for his sincerity in stating he would bring the KPMG report to Mr Coe and me. However, I will not be supporting Mr Hargreaves's amendment which deletes all of part (2) of my motion. I am extremely disappointed by Mr Coe's withdrawal of his amendment, which is not only going back on his word to me but also to Havelock Housing Association. For all Mr Coe's talk about supporting community housing providers, and in particular Havelock Housing, the fact that he has withdrawn his amendment which builds on my motion and again acknowledges the KPMG report is extremely disappointing to say the least, and also, obviously, a big letdown for the community housing sector. It makes me wonder that this is more about the Liberals or Mr Coe having a bit of a reaction to what has happened today rather than taking the motion on its merit. I have to say that is a very disappointing reaction from Mr Coe.

Question put:

> That **Mr Hargreaves's** amendment be agreed to.

The Assembly voted−

Ayes 11		Noes 4
Mr Barr	Ms Gallagher	Ms Bresnan
Ms Burch	Mr Hanson	Ms Hunter
Mr Coe	Mr Hargreaves	Ms Le Couteur
Mr Corbell	Ms Porter	Mr Rattenbury
Mr Doszpot	Mr Smyth	
Mrs Dunne		

Question so resolved in the affirmative.

Amendment agreed to.

Question put:

> That the motion, as amended, be agreed to.

The Assembly voted−

Ayes 11		Noes 4
Mr Barr	Ms Gallagher	Ms Bresnan
Ms Burch	Mr Hanson	Ms Hunter
Mr Coe	Mr Hargreaves	Ms Le Couteur
Mr Corbell	Ms Porter	Mr Rattenbury
Mr Doszpot	Mr Smyth	
Mrs Dunne		

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Courts and Tribunal (Appointments) Amendment Bill 2009

Debate resumed from 19 August 2009, on motion by **Mrs Dunne**:

> That this bill be agreed to in principle.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.51): The government will not be supporting the changes proposed by this bill. Instead, the government is going to propose amendments to the Supreme Court Act 1933 and the Magistrates Court Act 1930 to formalise the judicial appointments protocol.

The intent of this bill is to change the appointments protocol that was introduced by the government in 2007, a process that established a new level of transparency to the judicial appointment process and which has successfully delivered two strong candidates as new judges to the Supreme Court of the ACT. It is paramount that we retain public confidence in the judiciary by appointing judicial officers on merit rather than patronage, characteristics or partisan belief. Any perception that a person has been appointed on the basis of a political alignment or on the basis of familiarity should be avoided. Although I appreciate that many stakeholders would like to be involved in the final decision, this is not the way the system works here in the ACT or indeed anywhere else in the country.

Under both the Magistrates Court Act and the Supreme Court Act, the power to appoint judges and magistrates lies with the executive, the elected representative government of the territory. The final decision does not rest with specific stakeholder interest groups or non-executive members. That is not to say that the views of these stakeholders are unimportant. They are crucially important and we believe it is appropriate to ensure that their views are given due consideration. But the opposition's bill would go beyond that. The bill would require the proposed appointments of presidential members to the ACT Civil and Administrative Tribunal, the Magistrates Court and the Supreme Court to be referred by the executive to the relevant Assembly committee for consideration.

This bill, some may say, and I am sure Mrs Dunne may say, will provide for an alternative point of contact for consultations from stakeholders. It will also, I am sure many will say, mirror the process that is already in place when it comes to other appointments made by the executive and which are referred to standing committees for their comment. But I do not believe that that is the intent of this bill, and, even if that is the intent of this bill, the bill has certain other ramifications which are dangerous and far reaching and which fundamentally undermine the process of judicial appointment that currently operates here in the territory and in all other jurisdictions around the country.

Let us make no mistake about this: Mrs Dunne's bill could pave the way for a far wider reaching and invasive process. It could result in a process whereby proceedings akin to US Senate confirmation proceedings could be conducted in a highly political environment in which all aspects of the proposed candidates' personal background could be and would be questioned. Once a referral is made to an Assembly committee, there is nothing to stop that Assembly committee from undertaking public hearings in relation to the matter. There is nothing to stop that committee from calling witnesses and examining them, including potentially the proposed appointee. There is nothing in Mrs Dunne's bill that rules that out, and it would be entirely within the powers of the relevant committee to do so. Mrs Dunne has not been able to demonstrate that that would not occur, except for a broad generalisation that she does not see how that works.

That may be Mrs Dunne's view, but it may not be the view of a committee chair or a committee into the future. It may not be the view of a committee operating in two or three or four years time that decides it does want to call the proposed appointee and question them about their background or their previous involvement in public affairs somewhere else in the territory or about their personal or moral or political beliefs. There is nothing to stop that happening. Let us understand: the more significant the appointment, the more the attraction will be for those committees to do just that. It is a dangerous precedent and it is one the government does not accept.

There is another issue that needs to be brought to mind in this debate and that is that Mrs Dunne has not made the argument about why the current system is broken and it needs to be fixed by her bill. Indeed, Mrs Dunne is on the record as saying that the appointments this government and previous governments have made to judicial office have been appropriate and good appointments. So, if the system works, why does she want to change it? What is the problem that she is trying to fix? She is silent on that matter, the Liberals are silent on that matter, and it highlights that there is another agenda at play, and clearly that agenda must be to involve non-executive members, and in particular the Liberal Party in opposition, in the decision-making process.

That is not appropriate. That is not the way judicial appointments occur in any other jurisdiction in this country. The ACT has adopted a process which is considered best practice amongst all of the states and territories and the commonwealth; one that ensures transparency and balances transparency with the discretion that is needed for people seeking to put their names forward for what are very important offices here in the territory.

Let me go a little bit into the transparent process that the government adopted in 2007 shortly after I became the Attorney-General. The new judicial appointment protocol was developed following a review of the procedure in other jurisdictions. Selection criteria were developed by my department based on the criteria used in the United Kingdom and other Australian jurisdictions. The selection criteria were made publicly available through advertisement of the positions in local and national media. Recognising that not all suitable candidates will necessarily put themselves forward for consideration by this process, the call for expressions of interest is supplemented by letters seeking nominations from the courts themselves, the legal profession, including groups that represent women lawyers, and broader community stakeholders.

Through this process, groups including the ACT Law Society, the Bar Association, the Women Lawyers Association of the ACT and community stakeholders such as the Welfare Rights and Legal Centre and the ACT Council of Social Service are all consulted. Following consultation and the advertisement for expressions of interest, I request my department to prepare a short list identifying a diverse and qualified field of possible applicants. I also ask my department to conduct a selection process with an interview panel.

This process has just recently been completed in relation to the impending vacancy in the office of Chief Magistrate. That selection panel has included retired judicial officers from this and other jurisdictions, as well as current judicial officers from other jurisdictions, and a representative of my department. These individuals interview the short-listed candidates, assess the possible applicants and their relative claims to the position, and then they provide a report to me on their views as to the suitability of those candidates. Once I have received this, which I will shortly, I will discuss the field of possible candidates with the Chief Justice, the Chief Magistrate and representatives of the Bar Association and the Law Society before preparing a final nomination for consideration by the government.

The government therefore has a robust and well-established process for appointing candidates to judicial office. No more is it an unknown black box out of which a name emerges. Instead, there is a clear, detailed and public process through which candidates can express interest, are assessed and a final decision is made. This mirrors the practice that has been put in place for the High Court and the Federal Court by my colleague the commonwealth Attorney-General and I believe it represents an important evolution in the process by which candidates to judicial office are assessed.

This bill, therefore, represents a much more radical departure from a system which has been proven to work well and to maintain the integrity and the non-political nature of appointments to judicial office—something which is vital in maintaining the integrity and the standing of the third arm of government, the judiciary. The government does believe, however, that the bill presents an opportunity to further embed the arrangements the government has already put in place when it comes to selection. Accordingly, the government will not be supporting the bill as proposed but will be moving amendments to remove the proposed standing committee consultation requirement and, instead, give statutory effect to the judicial appointment protocol developed by the government in 2007.

This mirrors the approach adopted by the government in the establishment of the ACT Civil and Administrative Tribunal. Section 95 of the ACT Civil and Administrative Tribunal Act sets out the appointment process for presidential members of the tribunal. Similar to section 95, the government proposes to amend the Magistrates Court Act and the Supreme Court Act such that, in relation to the appointment of judicial members, the executive must determine by way of notifiable instrument the criteria that apply to the selection of a person for appointment and the process for selecting the person.

This will maintain a statutory onus on the executive to disclose, in advance, the criteria it will use in assessing the relative claims of applicants to the position and also the process that will be undertaken to consult with the broader legal profession, existing judicial officers and other parties in terms of processing an appointment to our courts. This level of public disclosure of judicial appointment protocols will further improve the transparency and public confidence in these appointments.

The government believe that this is the most appropriate way forward. We will take the opportunity to establish, in the same way that we have for the Civil and Administrative Tribunal, the same transparent process for our courts. But we do not accept that the system is broken. We do not accept that a radical departure from the status quo is warranted, as is proposed by the Liberal Party. That process has many more dangers than it has benefits.

The Liberal Party have failed singularly to identify any problem with the existing system that requires rectification. Instead, their proposal would, if successful, open the door to the potential for committee style hearings, committee style inquisitions, into proposed appointments, potentially in a very public way. This will be damaging to the appointment of judicial officers. It will impact on the impartiality and apolitical nature of these offices and it will also potentially have an impact on the people who put their names forward for selection. It will raise the prospect that people will be deterred from putting their name forward if they have to face the gauntlet of a committee scrutiny process.

It is inappropriate. It is dangerous. The government will not be supporting it and will be amending the bill as I have outlined.

MR RATTENBURY (Molonglo) (5.06): This bill broadly seeks to reduce the potential for the perception that appointments to judicial posts are politically motivated. That it is perhaps a very simple summary of it. I think this is a worthy goal, and the Greens support Mrs Dunne in raising it for debate.

We understand the rationale behind the bill and see how it could possibly go towards reducing negative perceptions among the public about judicial appointments. However, we will be supporting the government's amendments to the bill which replace the key provisions proposed in the original bill. The Greens believe the alternative proposed by the government is more suited to the important area of judicial appointments. The government's amendments take a different approach to increasing transparency of judicial appointments but do so without some of the potential risks associated with the original proposal.

The provisions of the original bill would require cabinet to forward to the relevant Assembly committee the name of the person they intend to appoint to a judicial post. The revised process would cover the appointments of presidential members of ACAT, the magistrates, special magistrates, resident judges of the Supreme Court and the masters of the Supreme Court. The bill would then give the committee the opportunity to make a recommendation to cabinet on that proposed appointment.

The objective behind the proposed changes to the appointment process is one of improving the transparency of government appointments of judicial officers and reducing the potential for perceptions of politically motivated appointments. The Liberals' argument is that opening up the appointment process and giving the committee the role of making a recommendation is one small step towards reducing the potential for damaging public perceptions of the judiciary.

The rationale is that, by having a role for the relevant committee, which will be made up of the various political parties represented in the Assembly, the executive of the day would be less inclined to propose to make an appointment along political lines. That is, because the committee had the opportunity to make a recommendation, there would be a disincentive for the executive to propose an unreasonable appointment. I think this can be most accurately described as a "chilling effect" where any political motivations held by the executive would be moderated by the presence of the committee in the process. This is a discrete and specific outcome.

That the political motivations of the executive would be chilled and moderated are, I think, the strongest arguments in favour of this bill. The bill cannot be described as being any stronger than that. Mrs Dunne has described the bill along similar lines. When tabling the bill she said that it would "dilute, if only a little, the risk of accusations of political appointments to these most important posts".

That said, there are some risks associated with the proposed bill and we think that they outweigh the discrete and specific beneficial effect identified. By opening up the process and handing the committee a role in judicial appointments, the risk is that the process could be politicised. This would completely work against the intent of the original proposal, which was to remove perceptions that appointments are politically motivated.

I note that Mrs Dunne has said publicly that this is not the intent of the bill, and I fully accept that statement. However, the point I make is that the provisions of the bill could be misused or misapplied in the future by a committee, a member of the committee or any individual who has been made aware of the deliberations of that committee. The Greens note that the committee has the ability to apply convention and keep its recommendation to cabinet confidential. However, it is only a convention and this leaves open the possibility that the intent behind the bill could be ignored in the future.

The Greens do not want to open up judicial appointments in the ACT to a United States style political process. That is something to be guarded against at all costs, in our view. It is not accepted process in Australian jurisdictions to have public commentary and analysis by politicians on proposed judicial appointments. As I have

said, I accept that the Liberals do not intend to create that US style with this proposal, and Mrs Dunne has been very explicit about that. Nevertheless it does open up the process to the potential for that to occur at some point in the future.

Another risk is that the accepted process for judicial appointments in Australian jurisdictions will be watered down. In Australia, it is the executive arm of government which appoints judicial officers. There is a level of responsibility assumed by members of the executive, and part of that is to make judicial appointments. The executive is responsible to the people and, should they make an unacceptable appointment, they are open to be held accountable. Judicial appointments are some of the most important that the executive will make and they need to be held accountable for those appointments. That responsibility is at the centre of the accepted Australian approach.

We note that there are other models for appointment of judicial officers in operation in overseas jurisdictions. A key example is the United Kingdom, where a commission, wholly independent from government, makes the decisions regarding judicial appointments. This represents a fundamentally different approach to Australia, where the executive arm of government is responsible for appointments.

The Greens believe that if the ACT were to move away from the existing executive appointment process it would be best done through a formal and detailed process where the community and legal profession were engaged and consulted with and there was a significant community debate about whether we wanted to change the way we make these very important appointments. We would prefer to see a formal consultation process that discusses a substantial change to the appointment process. We see this as a better approach than making amendments that expand the existing process to incorporate aspects of other approaches while essentially retaining the executive appointment model.

The government has proposed an alternative amendment. This amendment would require that the government set, in a notifiable instrument, the selection criteria to be used in a selection process and to set out the process itself. This builds on the 2007 announcement by the government where it publicised in the media the selection criteria and the selection process. By setting the criteria and process in an instrument, the government is committing itself to using them for judicial appointments in the future. The Greens believe this is a sensible step that can only increase the transparency of the process without going the extra step of giving the committee a role.

The government's proposal is similar to the Liberals' in that it seeks to increase the transparency in the appointment process. However, it addresses that same objective without opening up the potential risks associated with the original bill that I have spoken to earlier. There would be no potential for politicising the process and it would not unsettle the accepted role of the executive in making appointments. It is on that basis that the Greens will be supporting the government's amendments.

On a personal note, I would like to acknowledge that, on behalf of the Greens, I advised Mrs Dunne very late in the process—in fact just this morning—of our final position. I acknowledge that the Greens were initially attracted to the proposal that

Mrs Dunne put forward and did indicate our support in the first instance. But I would like to note that a process of further consideration has led us to prefer the proposal put forward by the government.

I acknowledge that the late notice that we gave Mrs Dunne is not the best practice, and I have indicated to Mrs Dunne in a private conversation this morning that I am sorry for that late notice. Nonetheless the Greens have focused on the merits of this issue and, in weighing up the options open to us, we have come to the decision that we believe is the right one.

There are arguments both ways on this matter, but on balance we have concluded that we will not support the original provisions of the bill; rather, we will support the amendments put forward by the Labor Party. That is how we will be voting as this debate moves forward today.

MR SESELJA (Molonglo—Leader of the Opposition) (5.15): I will start by noting our disappointment at the change of position from the Greens that has just been outlined by Mr Rattenbury. This has been on the table for a significant amount of time. In fact, we introduced this bill initially back in February 2008. So this has certainly been on the agenda now for more than 18 months, and of course it was reintroduced in this Assembly.

It is extraordinary that the Greens, having had that much time to consider it, have only made a decision this morning, having initally, apparently, supported it, to backflip on that position and not support it. It is most disappointing, and I think that instead what we will be getting as a bill, due to these amendments which will now apparently go through, is a much weaker form. When I initially introduced a bill on this issue back in February 2008, I made some points about it, and it is worth repeating some of the rationale for this bill. I said:

> The community invests significant trust in judicial officers, and their decisions in turn affect the community in a profound way. It is therefore crucial that we look at ways of making the process for their appointment as open and transparent as possible … This bill introduces a mechanism by which the executive must consult and take advice from the appropriate Legislative Assembly committee before making a decision regarding the appointment of a judge or magistrate … By taking on board the advice from the legal affairs committee, it will provide another check and balance … By adding another layer of scrutiny, it provides another avenue of information to be provided to the government … The government still has the final decision regarding the appointment but must consider the advice provided to it. The committee process would give the Law Society, the Bar Association and other interested groups the opportunity to make submissions.

I went on to talk about not favouring a judicial appointments commission, and we maintain that position. We believe that the executive should make decisions about the appointment of judicial officers. But this has always been about shedding light on this process. What we will have at the end of this process, by this bill not being supported in its current form, is a process for the appointment of judicial officers which is less than for the appointment of other statutory officeholders.

I think that point is worth emphasising. We have this process in all sorts of other areas in the Assembly. This is a standard process that is applied to board appointments under statute by the government. It has not caused any great controversy to date. From time to time committees will raise concerns about particular appointments and they will bring this to the attention of the executive. From my experience on committees, that is a relatively rare occurrence. In fact, most of the time on committees, when we did raise concerns, in my experience, it was in relation to the process and ensuring that committees were given sufficient time to consider these judicial appointments. It is a relatively rare thing for any of these appointments to be questioned, although there are from time to time comments, as there should be, because that is the reason for the process. It is to shed some light on it, it is to ensure that the government justifies its decision making, and indeed it is so that there can be some form of scrutiny.

In the end, the government can still make the decision; the executive can still make the decision. But by rejecting this proposal we will have less scrutiny of the appointment of judicial officers than we do of board appointments and other appointments in the territory.

I have not heard a justification put from either Mr Corbell or Mr Rattenbury as to why there should be that disparity—why, if we are going to shed light on the process, we should not do it in the same way that we do for other statutory appointments. The arguments that have been put forward around a US-style appointments process are ridiculous because the way in which the bill is framed simply does not allow that. It is not a veto or a confirmation process; it is simply a process of advice, as is given now. No-one has ever made the case that we have US-style appointments for other statutory appointments, so that is a fairly hollow argument that has been put forward. What we will be getting in the end is simply a lesser form of scrutiny than we have for other statutory appointments.

There has been a push, particularly in the legal community in recent years, for more openness on this issue. I certainly do not agree with all of the positions put forward by various lawyers associations on this, but the idea that there should be some greater scrutiny, openness and transparency certainly has merit. In a speech to the Australian Bar Association by Caroline Kirton, the immediate past president of Australian Women Lawyers, in 2006, she stated:

> The present system is shrouded in secrecy and rife with gossip. No matter what political spin or rhetoric is used to support the current system, the inescapable fact is that the process of selecting and appointing judges in Australia is a secret. This should be a matter of concern to all lawyers …
>
> The Law Council's 'Policy on the Process of Judicial Appointments' supports the development of Judicial Appointment Protocols that acknowledge that *"… the Attorney-General may consult such other persons as the Attorney-General thinks fit and state that wide consultation is encouraged"*.

She went on to say that the Law Council of Australia have supported reform and have talked about some of the ways of bringing that about. It is interesting that the ACT Law Society have written to Mrs Dunne in relation to this issue and note that whilst

the Law Society would like us to go further—we do not agree with them on that—they say:

> Your Bill is a worthy initiative because it advances the causes of transparency and merit in the appointment of judicial officers. The Society has advocated for a long time a method of judicial appointment which is open for all to see and results in the appointment of people of the highest intellect, knowledge, experience and probity.

It is worth reflecting on that. That is what this bill is about. We will be getting a much lesser form of that, in our opinion, if and when these amendments are adopted by the Assembly. Therefore, I think it is particularly disappointing. We saw part of how this first came to be an issue here in the ACT. It was back in January 2008 when the ACT Bar Association called for an overhaul of the Australian judicial appointment process. I quote from ABC Online:

> Two new judges were appointed to the ACT Supreme Court last month.

This was in January 2008. It continues:

> They are former ACT Director of Public Prosecutions Richard Refshauge and Hilary Penfold, who was the Secretary of Parliamentary Services.
>
> But president of the local Bar Association … says the ACT Government failed to consult the Chief Justice, the Law Society and himself about one of the appointments.

He is quoted at the time as saying:

> It's taken us back to the days I suppose where judicial appointments are an act of mystery.

We have sought to put in place some legislation which would address this issue whilst maintaining the importance of the executive choosing judges. We have seen a debate in the Assembly about Latimer House principles. I made this point, which I will repeat here:

> On the point of judicial appointments, though, I think there is scope for us to be more open. We believe that the executive should still have the ability to make judicial appointments.
>
> We do believe … that there can be more openness in the way that is done.

That is what we have suggested in terms of the legislation. With respect to the basic principles, we hear about Latimer House, we hear about the apparent commitment by members in this place to openness, transparency and a new way of doing things. Of course, we see this in so many cases. In some of the debates today in relation to the Auditor-General having a role, we hear spurious arguments against that, when we are looking for accountability and transparency. We have heard some spurious arguments, it must be said, in relation to this. The US-style appointments are simply not possible under this legislation. It has not happened to date with statutory appointments. It

would not happen if this bill was passed in its current form, because it is not reflected in this bill at all.

What it would do is to say to the executive: "You need to think carefully about your appointments. Your appointments need to be defensible and you need to put them out for some sort of consultation." By doing it in that way, we would not have the situation that we had early last year with the Bar Association. It was interesting that when they came out, the first thing Mr Corbell did at the time was to say it was an attack on the appointments—it was an attack on the individuals. But it was about the fact that the Bar Association and the Law Society should be consulted on this.

This is a way of ensuring that. By having that scrutiny, putting in that time frame and ensuring that we go through this process, the stakeholders could make their comments. If there was someone who was seen as very inappropriate—and that would be a rare occurrence—and if there was someone who was seen as not being up to the task, not having the relevant experience, not having the relevant skills that we expect for judicial officers, that would become apparent. It would be a matter of some embarrassment to the government, and that "chilling effect" which Mr Rattenbury referred to would be a factor. But to go further than that and claim that it would result in some sort of political circus is simply not backed by any of the facts. It is not backed by the practice; it is not backed by the terms of the legislation that we are debating today.

This legislation is well worth supporting. It is a simple but important step forward in transparency in judicial appointments. It is saying two things. It is saying that we do believe that the executive should be able to make these decisions, but we also believe that there should be reasonable scrutiny. We do not believe there should be less scrutiny of judicial appointments than there is of other statutory office-holders.

It is fair to say that whilst many statutory appointments are very important, there are few as important or more important than, for instance, justices of the Supreme Court of the ACT. Some of the most important decisions made by governments are to get the right people in these jobs, as they are making such fundamental decisions about people's livelihood and about the interpretation of law in the ACT. The judicial arm is such an important arm, yet what the Assembly will be saying today is that, even though that arm is important, we will provide less scrutiny, less openness and less accountability regarding the appointment of judicial officers.

It is with a significant degree of regret and disappointment that we have seen this late-in-the-piece turnaround and backflip from the Greens. It is disappointing that the government sees some sort of threat in going through what is a fairly standard practice for other statutory appointments.

I commend this bill to the Assembly. I commend Mrs Dunne for the work that she has done in its development and, indeed, in her role as shadow attorney-general, in her dialogue with various stakeholders, and as is reflected here, in the support that has been offered from the Law Society, who say what a worthy initiative it is. The move is towards transparency. This is a fairly simple move. It is not a dramatic move or a particularly controversial move, I would have thought, and I think it is something very

worthy of the support of the Assembly. I commend once again Mrs Dunne for her outstanding work in bringing it forward.

MRS DUNNE (Ginninderra) (5.28), in reply: It is a matter of considerable disappointment that we have come to the eleventh hour on this very lengthy discussion and we have seen an outrageous backflip from the Greens, which I will touch on a little later. It is a very disappointing thing to hear the sophistry from the Attorney-General on this subject.

Really what it boils down to is that the attorney wants to put forward a proposal where, by his own admission, just about everybody who is anybody in this town gets consulted on who becomes the next Chief Magistrate or the next magistrate or the next member of the Supreme Court, except the ACT Legislative Assembly. The attorney described a situation where there would be a selection panel who would make recommendations to him. That selection panel would consist of former judicial officers of the ACT, existing judicial officers from elsewhere and a representative of his department, then the minister would take that short list to the Bar Association, the Chief Magistrate, the Chief Justice, the Law Society—there is quite an extensive list of people.

That is an improvement on the system that we had for the last lot of judicial appointments, which were touched on by Mr Seselja, and certainly an improvement on when we appointed the last magistrate to the ACT Magistrates Court, when no-one actually knew that there was a vacancy until the magistrate was appointed; not even the Chief Magistrate was consulted on that matter.

That is not a reflection upon the merit of the people who were appointed to that position, and especially in the case of the most recent appointment to the Magistrates Court; I think it was an excellent appointment. It is not a reflection on the merits of those people; it is a reflection upon the secretive manner in which this government and previous governments have gone about the process.

We have all spoken here about opening our procedures up to the cleansing light of day, not doing things in dark corridors. We have had a lengthy discussion about this. Mr Seselja dwelt on the lengthy public discussion in relation to judicial appointments. The Canberra Liberals have gone through a long process of discussion on this matter. This bill was introduced in the previous Assembly. In this Assembly I circulated this bill as an exposure draft. I consulted with members of the law fraternity and I received support from the law fraternity for this. I consulted with members of the Assembly. Eventually, in August I introduced this as the bill we see here today. It was listed for debate in September and on, I think, the day before it was listed for debate in September the government came up with its amendments.

All through that process, since I have been dealing with this, we have had what I thought was bipartisan support from the Liberal Party and the Greens for this change. I have had a number of conversations with Mr Rattenbury on this subject, and my staff have had conversations with his staff on this matter, and there has been really no concern raised about this—until this morning. So imagine my surprise when Mr Rattenbury came to my office this morning and said, "We really can't do anything. We can't support this because we are now concerned about this becoming a US

Senate style confirmation process." So it is now clear that the attorney has gone around and got into people's ears and spread misinformation.

The attorney stood up here and created a confection, a complete and utter confection, about this process, which is exactly the same process that is set out in the Legislation Act or the Financial Management Act for the appointment of all sorts of people to all sorts of statutory bodies, including the Auditor-General, board members of Actew, board members of every other TOC in the place, the Legal Aid Commission—all sorts of people go through this process. All the members of the ACAT already go through this process, except for the presidential members.

This bill simply adds a statutory form of consultation which is no different from any other statutory form of consultation for statutory appointments in the ACT. In the 20 years of self-government, through the statutory appointment process no committee has ever thought that we should seek the views of someone outside the committee about the merit of an appointment, whether it be to the board of Actew or to some lesser body or to some greater body; whether it has been the appointment of the Auditor-General or the appointment of any other person. This has not happened, simply because it cannot.

The proposition put forward today by the Attorney-General that in this case, in the case of a judicial appointment or appointment to the magistracy or to the presidency of the ACAT, the committee would suddenly take it upon itself to do things which it does not have the power to do is nothing short of dishonest. It is a dishonest representation of what committees can do and what is the intent of this bill.

It is unfortunate, deeply unfortunate, that the Greens, who since this issue was raised and before this bill was formally introduced have shown support for this measure, should wait until today and then change their minds. It shows either bad faith or inexperience; either way it does not matter. Mr Rattenbury assured me this morning that this was not a matter of bad faith. But let us look at the track record. The track record was that Mr Rattenbury and his staff, on a number of occasions, gave a commitment to me or my staff that they would support this bill—until the day that they actually came to vote for it.

This is not the only time that this has happened. In my experience on legislation in relation to unit titles legislation, the Greens made commitments and then they reneged on them. There have been other occasions where the Greens have made commitments to members of this place about what they were going to do and then reneged on them. This may be inexperience, but you have now been here a year and it is about time that you learnt how to act honourably on these matters. If you do not know what you are going to do—

Mr Corbell: I raise a point of order, Madam Assistant Speaker. That is an imputation, a reflection on the character of certain members of this place, notably members of the crossbench. It is disorderly and Mrs Dunne should be asked to withdraw.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mrs Dunne?

MRS DUNNE: If you would like me to withdraw, I withdraw. But, if the Greens do not know what they are going to do, be up-front and say, "We have not worked out what we are going to do." That is a reasonable position. But do not make commitments that you cannot keep afterwards. When you make a commitment to someone, look them in the eye and say, "This is what we are going to do," and then keep your word.

By ordinary parlance, the Greens' way is not the way that people behave in a civilised way. You cannot continue to negotiate with people when you do not know whether they are going to keep their word from one day to the next. This has been a mark of my experience in dealing with the Greens, and it is unfortunate. It is very unfortunate that on an important matter which is of considerable interest to an important sector of the community, where there is support for the legislation outside the Assembly, the Greens cannot see their way clear to keep their word on this important matter. It is extremely disappointing.

The Liberal opposition will not be supporting the amendments proposed by the Attorney-General because they essentially gut the process. They are okay in that they put some formal structure into what the Attorney-General is currently doing in this case. There is no doubt that that is an improved process from the one that we have had in the past. What we have sought to do is to improve it even further. The government's proposal guts the original bill and we cannot support the gutting of it.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.39), by leave: I move amendments Nos 1 to 9 circulated in my name together *[see schedule 1 at page 4521]*.

I think it would be appropriate at this point in time to rebut some of the assertions made by the Liberal Party in the debate during the in-principle stage as to why these amendments are not appropriate.

The first thing I would say is that I have to commend the Greens for the appropriate caution they are showing in relation to this matter. We do have to view judicial appointments as of an entirely different nature from the range of other appointments that executive government makes. That is not to say that those appointments in and of themselves are not important; they are. But judicial appointments are particularly important, and they are particularly important because these are appointments effectively for life. They are not for a limited term. There is no going back. If you make a mistake, the person is probably going to remain in the position. So these are long-term appointments.

Secondly, they are appointments that must be seen to be not involved with, and indeed should be above, the political process, because of the very nature of the job that judicial officers have to perform. For those reasons it is important that we are cautious about protecting the integrity of the process and not undermining it.

We heard the argument from Mr Seselja that it was the appointment to the two vacancies in the Supreme Court about 18 months ago that caused concern for the Liberal Party. I would like to rebut some of the assertions made by Mr Seselja. The first was that the Bar Association criticised the appointment process. It is true that a number of office holders of the Bar Association raised concerns. But I know, because of communications I have had with the Bar Association subsequently, that that was not a course of action endorsed by the Bar Association's governing body. It was the view of a number of office holders but it was not the view of the Bar Association as a whole. Indeed, there was strong disagreement when a number of those office holders took that course of action. So let us put that particular incident in perspective.

Let me also rebut the assertion that there was not consultation with the Chief Justice in relation to those appointments. There was. I specifically consulted the Chief Justice in relation to both of those important appointments.

I want to turn to the main issue which is of concern to the government, and I think of concern to the Greens as well, and that is the risk related to public inquiries and hearings into proposed appointments. Mr Seselja asserts that that cannot happen because the decision maker is the executive government. Well, that misses the point. The government is not claiming that Mrs Dunne's bill proposes that the appointment must be formally confirmed by the Assembly committee and that there is effectively a veto in place. That is not what we are asserting.

What we are asserting is that the prospect of referring these proposed appointments to the committee process opens up the prospect of a highly political and public inquisition. I would draw members' attention to the outline to the bill as published by Mrs Dunne where she herself concedes that the only protection against such a course of action is precedent and the existing convention. I would draw members' attention in particular to the last paragraph on page 1:

> Further, it should be noted that the deliberations of the appropriate Legislative Assembly committee would be conducted in accordance with the Assembly's Standing and Temporary Orders. Whilst those orders provide flexibility as to whether a committee's deliberations are conducted in public or private session, and therefore, in the latter case, confidential, the usual practice—

I emphasise "the usual practice"—

> of committees, in considering proposed appointments to government boards, committees, etc, is to undertake those deliberations in private session. It is anticipated that a committee, in considering proposed appointments under this bill, would follow that usual practice.

So Mrs Dunne is relying on practice and precedent. That may be reasonable in many other instances but I do not believe it is worth the risk in this instance. These

appointments are too important for them to be politicised, to see potential appointments dragged through a public committee process. As Mrs Dunne confirms in her own explanatory statement, she is relying solely on convention and practice. We know that those things can change, and there is no guarantee in the bill that they will not change for the worse.

The amendments I propose instead put in place a different procedure. It is the procedure that is currently in place for the Civil and Administrative Tribunal. It requires me, or the attorney of the day, to outline, by notifiable instrument, the criteria that the government will use in assessing the selection of a person for appointment to the vacancy in judicial office and it will also require me to outline the process for selecting that person. Whom will I consult? How will assessment occur?

These are the very important safeguards that I think have been put in place through the existing protocols. They are the protocols that apply also to appointments to commonwealth judicial office, to the High Court, the Federal Court and so on, and this will bring our judicial appointments process into line in a statutory way with that jurisdiction and indeed with a number of other jurisdictions around the country.

This is not a black box. It has not been a black box for some time. There has been a clear process and my amendments formalise that process and give it statutory effect. I think it is the appropriate way to go whilst maintaining the caution and the conservative approach we must adopt in ensuring that there is no risk of politicising the appointment of judicial officers, a risk which is all too evident in Mrs Dunne's proposal.

MR RATTENBURY (Molonglo) (5.47): As I earlier indicated, the Greens will be supporting Mr Corbell's amendments. I would like to take the opportunity to just briefly comment on some of the earlier discussion. Mrs Dunne has expressed strongly how she feels about the Greens position and I did speak to that point earlier.

I would, however, in light of Mrs Dunne's comments, invite her to ponder the question: what is the difference between an outrageous backflip and simply giving a matter further consideration? I invite Mrs Dunne to ponder that question by recalling the debate earlier in the year around the potential amendment of the definition of murder in the ACT. Mrs Dunne expressed extremely strong concerns about that possible amendment. She then sat on a committee which recommended a series of amendments to the government's bill.

We then saw the government drop a detailed legal opinion in the Assembly on Tuesday, yet Mrs Dunne and her Liberal Party colleagues suddenly decided to support the government's original text—the original text—despite a Greens request for an adjournment to have just four weeks to consider the actual depth of the government's very interesting analysis. So I think it is an interesting question to ponder: what is an outrageous backflip and what is simply giving something further consideration and changing your mind?

MRS DUNNE (Ginninderra) (5.48): The Liberal opposition will be opposing these amendments. Perhaps, on reflection, these amendments should have been moved serially. It may not have been a good idea to give leave for them to be moved together.

There is some merit in the approach that has been taken by the attorney in this case, the forthcoming case of appointments to the Magistrates Court, because that is a much more transparent process than has hitherto been used in the ACT and it is one that has received some support from the Law Society.

I will take the time to read some of the letter that the Law Society wrote to me in relation to the Courts and Tribunal (Appointments) Amendment Bill as I proposed it. After the preliminaries, the letter opens:

> Your Bill is a worthy initiative because it advances the causes of transparency and merit in the appointment of judicial officers. The Society has advocated for a long time a method of judicial appointment which is open for all to see and results in the appointment of people of the highest intellect, knowledge, experience and probity.
>
> In recent times the Society has had cause to compliment the Stanhope government for moving in this direction. We acknowledge that appointments to the Supreme and higher courts may in certain circumstances affect for good or ill a government's legislative priorities. Accordingly we do not cavil with certain discretion being available to the Executive in these matters.
>
> Nevertheless an appointments process of high integrity must also have certain hallmarks which include a general call for expressions of interest, wide consultation, an independent filtering and interview process and a preparedness to discuss a short list with leaders of the legal profession. The current government's process, and, with respect, your own proposal, lacks but one of those elements: the independent filtering and interviewing of suitable candidates."

So the Law Society has actually asked for more than I think either the opposition or the government are prepared to give on this matter. The Law Society would like to see a legal gleaning process through experts rather than just through a select committee, say, the justice and community safety committee. The Law Society has complimented the government on its current approach, which is an approach which is pretty much like the presidential appointments to the ACAT, and I suppose if we were dealing with this in a different matter there would some elements of Mr Corbell's amendments that we could support; that is, those which relate to the notifiable instrument which talks about the process that will be undertaken.

But, quite frankly, that process does not go far enough and the whole tenor of the amendments is to gut the original intent of the opposition's bill by referring matters to a committee of the Legislative Assembly.

I have to go back and again deal with the confection of the attorney in relation to the justice and community safety committee, or the appropriate committee, suddenly deciding that they are going to have US Senate type confirmation hearings on this matter. There is no power for the committee to do that. There is nothing in this legislation that gives the committee the power to do that. There is nothing in the Legislation Act that would give a committee the power to do so in any other case.

If there was any doubt that that was the case, the tenor of the discussion here today would make it perfectly clear to any committee that it is not the will of the Assembly

that they should do so. Just as in any other way the material discussion in relation to the bill would inform the judicial process about how a bill should be interpreted, this would be extrinsic material that would have to be taken into account by any committee.

I cannot imagine any committee secretary or any Clerk of this Assembly who would not advise a committee that they did not have the power to do this, on the basis of the conversation in this place today. There is no precedent for it; in fact there is precedent against it. The whole tenor of the conversation here today, where every party represented say that they would not want this to happen, would be brought to bear upon that matter if there were some rogue committee chair, heaven help us, who decided that they might like to have US Senate style confirmation hearings for judges. It could not happen. They would be advised against it very strongly, and as a result of that it would not happen.

Therefore, the whole creation that the attorney has put forward in a desperate attempt to scare the Greens out of their original position is seen for what it is: a confection. And the Greens have swallowed it lock, stock and barrel. As a result of this, while there is some merit, and that merit has been reflected in the views of the Law Society, in that some advertising of the matter, some wide consultation, which would be set out in this notifiable instrument, is an improvement in the process, I think it is ironic that everybody now gets consulted except the Legislative Assembly.

No-one in the Legislative Assembly wants to veto the power of the attorney and the executive in general to make these appointments. It is just an important process in openness and transparency, and you have to wonder why the Labor Party do not want this. Well, I know why the Labor Party do not want this: really, they do want to make decisions in dark corridors and in dank cellars, as they have done in relation to the Freedom of Information Act. But I do question the motivations of the Greens who suddenly have decided that openness and transparency is not quite something that they are absolutely comfortable with.

The Liberal opposition will not be supporting the government's amendments moved together.

Question put:

> That **Mr Corbell's** amendments Nos 1 to 9 be agreed to.

The Assembly voted—

Ayes 8		Noes 3
Mr Barr	Mr Hargreaves	Mr Doszpot
Ms Bresnan	Ms Hunter	Mrs Dunne
Mr Corbell	Ms Le Couteur	Mr Smyth
Ms Gallagher	Mr Rattenbury	

Question so resolved in the affirmative.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

At 6 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put and negatived.

Anti-Poverty Week

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (6.00): I move:

> That this Assembly:
>
> (1) supports the aims of Anti-Poverty Week, commencing 11 and concluding 17 October 2009, which strive to:
>
> (a) strengthen public understanding of the causes and consequences of poverty and hardship around the world and in Australia; and
>
> (b) encourage research, discussion and action to address these problems, including action by individuals, communities, organisations and governments;
>
> (2) notes:
>
> (a) that this week highlights the needs of vulnerable and disadvantaged people and the causes and consequences of poverty and hardship; and
>
> (b) that as a consequence of the recent global economic crisis greater numbers of families and individuals are relying upon assistance from community organisations which provide services to those most vulnerable and in need; and
>
> (3) calls on the Government to:
>
> (a) commit to quarantining community organisations, which provide assistance to people in poverty, from efficiency dividend measures in the 2010-2011 Budget; and
>
> (b) include a poverty impact analysis as part of the triple bottom line framework that is currently being developed by government.

I bring this motion to the Assembly today to focus the attention of members and the wider community on the aims of Anti-Poverty Week, which commenced last Sunday, the 11th, and will conclude this Saturday, 17 October. The main aims of this significant week are to strengthen public understanding of the causes and consequences of poverty and hardship around the world and in Australia and to encourage research, discussion and action to address these problems, including action by individuals, communities, organisations and governments.

Individuals and groups are encouraged to help reduce poverty by organising activities during the week or joining in activities organised by others. There are nationwide events organised, such as the "7even day—change a habit, change a life" challenge,

where participants go for seven days without using a credit card, which will help alleviate debt-induced poverty for thousands of Australians. Or there is the opportunity to make a 60-second video and have a say about what you would do to alleviate poverty if you were Prime Minister for a day. There are also unique local opportunities here in the ACT, such as the "battle of the chefs", which was held at Kippax Uniting Community Centre, where two leading chefs and a home cook battled their skills against the difficulty of cooking on a very tight budget.

This evening Professor Julian Disney, who is the Australian chair of Anti-Poverty Week, will be speaking on "The social inclusion agenda: what does it mean for poverty in Australia?", followed by discussion at the Australian Centre for Christianity and Culture. Or you could join me and other MLAs tomorrow night in Civic by volunteering at the Vinnies night patrol van. However, if willing participants are unable to attend any of these events, I note that Gloria Jean's coffee shops will donate 50 cents from each cappuccino sold to Opportunity International Australia to help people living in poverty. I am also pleased to note the continued success of events that are organised for Anti-Poverty Week, as more than 350 activities were registered on the Anti-Poverty Week website. There was an increase of 40 per cent this year—so 40 per cent more events this year than in the previous year.

However, the acute significance of this week lies in the fact that an increased number of Australians are living in poverty. Research commissioned last year by the Australian Council of Social Service, ACOSS, and conducted by the Social Policy Research Centre at the University of New South Wales, estimates that the number of Australians living in poverty has increased over the past decade with approximately 2.2 million people, or 11.1 per cent of Australians, living in poverty in 2006, compared with 9.9 per cent in 2004 and 7.6 per cent in 1994.

Child poverty is of particular concern. According to the Organisation for Economic Cooperation and Development, 11.6 per cent of children aged up to 17 in Australia live in households with equivalent income less than 50 per cent of the median, compared to the OECD average of 12.2 per cent and Denmark and Finland where it is 2.4 and 3.4 per cent respectively. Overall, Australia is currently ranked a low 13 out of 19 OECD countries on the United Nations human poverty index, despite being third in terms of literacy, GDP and life expectancy.

Particular groups of people in Australian society are at high risk of poverty. ACOSS research shows that in 2006 certain groups were more likely to live below the poverty line, including 40.2 per cent of jobless people, 39 per cent of single adults aged over 65 years, 31 per cent of people whose main income is a social security benefit, 22.8 per cent of single adults of workforce age and 11.4 per cent of sole parent families. Yet, in spite of these statistics speaking for themselves, if you really stop and reflect on what would truly constitute living in poverty, it is incredibly saddening to think that fellow Australians and Canberrans must suffer in these circumstances.

Poverty is a relative concept used to describe people in society who are not able to participate in the activities that most people take for granted. However, the Australian Collaboration, which is a consortium of peak national community organisations representing social, cultural and environmental constituencies and interests, lists

several distinct causes of poverty, which are not just created by individual experiences but by major inequalities in the structure of Australian society.

The first is work and income with many people falling into the "working poor" category, trying to support a family on the minimum wage and struggling to meet basic costs of living. Despite unemployment rates remaining relatively low, there are high numbers of people who only have a few hours of paid work per week. Education is another contributing factor as low education levels are linked to unemployment and subsequently the risk of living in poverty.

The lack of affordable, secure housing also contributes to poverty, as people on low incomes rarely own homes and rent is often unaffordable, particularly in major cities. Of course, poor health underpins many of the problems associated with poverty, as people living in poverty suffer greater levels of physical and mental illness. Lastly, access to affordable community services is an important poverty prevention strategy, by helping disadvantaged people to participate in social and economic life.

The recent international events of the global financial crisis have caused rising unemployment, falling incomes, mortgage foreclosures, delayed retirements and declines in overall wellbeing. Traditionally, many families have had to juggle the budget in order to make sure bills are paid. However, in more recent times we have seen this group of people grow substantially with the world economic crisis and its impacts.

Dr John Falzon, who is the CEO of the St Vincent de Paul Society, believes the global financial crisis has increased poverty in Australia in two ways: through the exclusion of people that are already in poverty and the new cohort that is moving into poverty through the loss of jobs. He said that, according to the ACOSS report, 11 per cent of people live in poverty, but it is more likely to be around 15 per cent. Salvation Army representative Major Peter Sutcliffe agreed that the global financial crisis has caused an increase in the need for the services of the Salvation Army. He commented, "There has been a definite increase in the demand for our services as a result of the global financial crisis. Food parcels and grocery vouchers have been in peak demand, as are the homeless services."

Here in the ACT the situation is much the same. The emergency relief program at UnitingCare Kippax had its busiest month ever in August this year, assisting over 1,000 individuals in that month alone. On top of the 40 per cent increase throughout 2008-09, they are experiencing more than an additional 20 per cent increase already this financial year in demand for assistance. Approximately one-quarter of their emergency relief clients are homeless, which is a significant development on previous years. Each month, on average over one-third of their clients are new and many of those clients have never sought emergency relief assistance in any form in their life.

While we would like to believe that Canberra exists without poverty, we know and understand that many Canberrans are experiencing financial hardship and social exclusion as a result. The financial situation for Canberra people living with a disadvantage is worsening and is likely to continue to do so. We know that about one in 10 Canberrans are experiencing multiple deprivation—and that is, lacking three or more of the essentials of life.

What can be done to assist those most in need? ACOSS recommend a national anti-poverty plan to take coordinated action across all levels of government to reduce poverty and alleviate its causes. They also want an increase in the rate of the lower social security payments and additional employment assistance for the long-term unemployed to get them back into work. This would be in combination with the maintenance of the minimum wage to reduce poverty in working households and increased access to affordable housing by an expanding investment in social housing and improvements to rent assistance. This would all need to be underpinned by improved affordability of essential health and community services.

Within this motion today the Greens have proposed a measure that will provide substantial reassurance to those in the Canberra community that are working tirelessly to try to match, with limited resources, the increasing demand for their services. With the removal of community funding programs, which provide assistance in alleviating poverty, from the one per cent efficiency dividend measures in the 2010-11 budget, organisations can effectively plan with a degree of certainty how they will assist into the next financial year Canberrans who are doing it tough.

Within the recently published ACOSS report, the Australian community sector survey 2009—of the 518 respondents who answered a question about the three most important issues facing their organisation, 76 per cent reported inadequate funding or insufficient resources as a major issue facing their service. Of note also was that 85 per cent of respondents disagreed with the statement that government funding covers the true cost of delivering contracted services.

The second commitment within this motion addresses the importance of the inclusion of a poverty impact analysis as part of the triple bottom line framework. This will mean that before major decisions and policy directions are set we can be assured that potential poverty impacts are identified for the modification of decisions or the introduction of measures to ameliorate any of the identified impacts.

Therefore, I thank the government for its support of this motion and the commitments within it. I believe that many people will welcome the Assembly's commitment to eliminating poverty or attempting through this motion to set us on the way to eliminate poverty within the ACT.

I would also like to take this opportunity to acknowledge the Reverend Gordon Ramsay, who is in the gallery today. Gordon is the co-chair of the Anti-Poverty Week ACT facilitation group. I thank him for the tireless work he does year after year with those most in need in the Canberra community. It is great to see Gordon and the committee have really set up a great week of activities that highlight the impact poverty has on families and individuals, and highlights the issue around children. In the previous two years I was a co-chair of the Anti-Poverty Week facilitation group in the ACT. I am very pleased that it is in good hands and that it will continue, not just this year but in the coming years, to highlight this important issue.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (6.13): I thank Ms Hunter for bringing this motion forward today. The government is happy to support this motion around

Anti-Poverty Week. There was some talk of an amendment to the motion but, in hindsight, having had a look at the recommended amendment, I guess it is dividing hairs, and I am happy to speak to the motion and leave it unamended in that context.

Anti-Poverty Week provides us, as the community of Canberra, with a real opportunity to highlight the needs of vulnerable people and also reaffirm our commitment to continue to address the causes of poverty and its impacts on a significant number of Canberrans.

Despite the good news about growth in our economy, there is growing awareness that there is a great disparity in the way that growth is being shared across our community. Full-time adult average weekly ordinary time earnings for the 2009 May quarter confirm that ACT residents continue to have the highest average weekly ordinary time earnings of any jurisdiction, at $1,384—quite significantly different from the national average of $1,197. ACT residents are also better educated and generally healthier than other Australians, and we see this from a number of national reports.

In a wealthy, highly educated and generally healthy community, poverty and disadvantage can be well hidden. Despite this, there is an increasing divide that exists within our community; a divide where in the midst of our relative wealth and wellbeing there are a number of members of our community who suffer. Poverty is more than simply about the level of income obtained by households or individuals. It encompasses the inability to access social services and the inability to participate in society economically, socially, culturally or politically.

Anti-Poverty Week gives us an opportunity to think about what poverty means to the everyday lives of people who are not able to participate in the activities that most people take for granted. Poverty means hard choices and not just struggling to pay the bills or depriving oneself but doing without things that we generally agree no-one in Australia should have to go without today. People in financial stress may be unable to heat or light their house, may not be able to access everyday commodities like telephone or internet services and may not be able to get children to school regularly. Opportunities to access support for themselves or training may also be restricted.

The everyday reality for Canberrans living in poverty is that their disadvantage is compounded by the overall wealth of the ACT. It means that, as a result of their inadequate income and resources, they may be marginalised or excluded from participating in activities considered the norm for other people in the community. The ACT's higher cost of living and higher workforce participation rates can also serve to increase social isolation and alienation amongst at-risk groups, particularly our young people.

The 2006 census data shows there are pockets of disadvantage and poverty within the ACT and in 2007 NATSEM identified around 16,000 households in the ACT living in poverty. This data continues to drive our policy and service provision from an ACT government point of view, and there are a number of government documents across a range of areas, from housing and homelessness to education, health, services for Aboriginal and Torres Strait Islander Canberrans, services around mental illness and also of course across our very vibrant and diverse community sector.

One of the first things we did when we were returned to government was to deliver on our commitment to provide emergency financial relief to community organisations for volunteers and carers. We provided $2.5 million to a range of community organisations in acknowledgement of the impact of the demand they were seeing across their services. I know that UnitingCare Kippax were one of the organisations who provided a lot of that service, and I think received some of that money.

The third part of Ms Hunter's motion calls on the government to commit to quarantining community organisations which provide assistance to people in poverty from efficiency dividend measures in the 2010-11 budget. We have made a commitment to return the budget to surplus. The application of an efficiency dividend is one measure in the government's plan. However, we have been very mindful of the economic and financial circumstances and as such have adopted a longer term approach due to the need to preserve services and provide stability. That is precisely why we chose a longer term plan, a seven-year plan, to recover the budget, which I know we have been criticised for by other members in this place. But a seven-year plan did allow us flexibility to address and vary that plan, if we needed to, based on what we were seeing occurring on our own budget.

The thinking behind that was so that we did not have to create a short, sharp shock to the budget, which would have had the impact of affecting community organisations if we had wanted to recover the budget in the forward estimates period over the next three budget cycles and when we are looking for savings in the order of $200 million in that final year. That is a bigger job than the functional review. It is a job that worries me enormously about how we are going to address that deficit. There may be some reprieve in the sense that our recovery appears to be occurring earlier than had been anticipated when we put the last budget together, but any recovery will not address the $200 million savings target which is what we required of ourselves in that final forward estimates year.

So I am happy to say that the government are very committed to protecting community organisations from the savings measures outlined in the budget plan that we have asked agencies to provide us, particularly in relation to the one per cent dividend. We have asked agencies to come up with recommendations to budget cabinet that do not in the first instance seek to just reduce job numbers across the ACT public service, or indeed just reduce services whether it be by grants or our contract arrangements with the community services sector.

I have seen the earlier results of some of those proposals coming from agencies and I think that, whilst it will still be a hard job, that initial efficiency dividend will be able to be met without any significant impact on community organisations at all. It is the bigger job that worries me the most and, as I said, the last thing that we as a government wish to do is to reduce our efforts in the community sector. Indeed, one of our agreements in the parliamentary agreement is around looking at sustainability and viability in the community services sector.

Tomorrow we will be debating the community sector long service leave bill in this place. I know that the work that is currently being done by Des Heaney and associates in relation to the industrial relations matters facing the community sector will come

before budget cabinet as well, and I am conscious that that may come with a price tag that we will have to manage, and we remain committed to that as well.

In saying that I do not want to amend the motion because I understand the sentiment of what Ms Hunter has put forward and I agree with it, I would just flag that that overall savings task is going to be a difficult one. As an Assembly I am sure we will be able to work through it, minimising any impact on the community services sector, who do such a fantastic job in providing right at the coalface the services to our community's most vulnerable. Indeed, they perform a job that is often unseen, but certainly members of this place acknowledge the work that is done. I also acknowledge Gordon Ramsay as one of the leaders in the field in providing emergency assistance to perhaps Canberra's most—or one of the most—vulnerable population out there in west Belconnen.

We look forward to working with community organisations and with members of the Assembly as we seek to recover our budget in a sensitive way that is mindful of our responsibilities to the community services sector.

MRS DUNNE (Ginninderra) (6.23): I congratulate Ms Hunter for bringing forward this matter today in Anti-Poverty Week; it is thoughtful and laudable. But there are elements of the motion that the Canberra Liberals cannot support—not because we are heartless plutocrats but because in a way it constrains the government in what it says that it has to do in bringing the budget back into line, and it will have unintended consequences.

The tenor of the motion is that the work that non-government organisations do in relation to the alleviation of poverty is somehow better and more important than the work of broad-ranging government service provision in relation to the alleviation of poverty, and this is the issue that I have some concern with.

The situation of people living in poverty in the ACT is an important one and one that in many ways is underrated and underappreciated, simply because of the things the minister spoke about in relation to the relative wealth and the relatively high standard of living that people on average experience in the ACT, which to some extent masks but also exacerbates poverty in the ACT. There are substantial pockets of disadvantage in the territory which we as legislators and as elected representatives must address in a variety of ways.

I can understand why Ms Hunter, with her background in the community sector, would put forward this motion, and I can understand why she would like to call on the government to quarantine community organisations from the efficiency dividend. I am surprised that the government have supported this. I was told that you were not going to support this and that you were going to amend it. But I do agree that the amendment that was circulated from Ms Gallagher's office did not actually make very much difference and she is right: it was splitting hairs.

The Liberal opposition discussed this at some length this morning and, whilst we appreciate the position that the Greens put on this, we think that it is irresponsible to constrain the government by quarantining particular sectors, because there are many government service delivery organisations which impact on the assistance to people in

poverty in the same way as non-government communities do. Everything that Housing ACT does essentially addresses the alleviation of poverty, assists people who are living in poverty, as does almost everything that is done in the health sector, the community sector, the child and family centres—all of those things. Every time you quarantine one area, it has a knock-on effect somewhere else so that the effect in another area of government service delivery will be larger.

This is a difficult situation we are in. It is a difficult situation we have got ourselves into because of years of neglect by the Stanhope government when they spent money but did not put any away for a rainy day. Last week when I was attending the Commonwealth Parliamentary Association's meetings in Arusha, this was one of the great areas of discussion: what impact has the global financial crisis had on democracies? It was very interesting to hear the work that has been done by innovative economies to cushion themselves from the economic downturn—to anticipate it, to cushion themselves—and to look at small economies that are doing very well and continuing to do well even in a time of financial crisis.

I refer to not just small and prosperous economies like the Channel Islands and the Isle of Man. All of them have had funds put aside for a number of years; the budget surpluses were put away for a rainy day. That is something that we have not done in the ACT. But countries like Barbados, Bermuda and the British Virgin Islands are putting away for a rainy day money out of their surpluses so that they can provide assistance to people in financial crisis, so that they do not have to cut back on vital community services when they meet a financial crisis.

That was an opportunity that was squandered by the Stanhope government in the good times. When there was lots of GST revenue, when there was unprecedented revenue from stamp duty and property sales and things like this, we missed an opportunity. Other economies did not miss that opportunity; other economies like Jersey and Guernsey and the British Virgin Islands—small economies, sometimes quite poor economies—had money in store so that they could supplement people who were confronted adversely by the economic crisis that we have confronted. And some of those economies have continued to grow despite the global downturn.

It is not just a matter that we are poor waves upon a huge economic sea. Other countries and other small economies have done it a lot better than we have. What we are here today doing is, in a sense, wringing our hands after the fact that we are now in strife—strife brought about by the Stanhope government. But this strife will not be solved, sadly, by quarantining one part of the economy and having a bigger impact on other parts of the economy.

I understand why Ms Hunter has proposed this course of action, but I do not think that it is economically responsible, in the same way as the profligate behaviour of the Stanhope government over the past seven years before we hit the global financial crisis was not economically responsible. Therefore, I will move my amendment to omit paragraph (3)—not because we do not think the position put forward by Ms Hunter is unimportant, but because we think it would be economically irresponsible. I move the following amendment to Ms Hunter's motion:

> Omit paragraph (3).

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (6.30): I am obviously disappointed that the Liberal Party today could not support what was a significant part of this motion. The reason we put it forward is that we recognise that it is these vital front-line services that are getting out there and providing the emergency relief, providing the shelter through homelessness services and so forth. These organisations are finding that there is increasing need, an increasing number of Canberrans needing help, and that many of the people approaching them have never sought the assistance of these services before.

That is why a time like this is not the time to apply a cutback to those services. It would have a terrible impact on those individuals and families who are doing it very tough; who are finding it hard enough at the moment to feed their children in a nutritious way; whose children are missing out on a lot of excursions and sometimes the necessities in life. That is why it is so important, at a time like this when these organisations have an increased demand on their services that they are not meeting, that we draw a line in the sand and ensure that they can at least plan and deliver at the current rate. So the Liberal Party response is incredibly disappointing.

There is a very large task ahead here in the ACT around ensuring that the budget does come back into surplus and no doubt some very hard decisions will have to be made. But this is not the time to be cutting back on vital services that are being relied upon by so many people across the Canberra community. I really do thank the government for recognising that and supporting this motion. I express my great disappointment that the Liberal Party are not supporting paragraph (3) of the motion today.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (6.33): The government will oppose the Liberals' amendment as well. I understand what Mrs Dunne said in her explanation of the amendment about quarantining certain parts of the funds that are received from government, whether it be to government agencies or to the non-government sector, and the difficulties that poses. However, I am comfortable in the sense that this talks specifically about the efficiency dividend.

The efficiency dividend relates to the one per cent target which we have set ourselves for that first year. It does not commit us further beyond that in order of the savings task. That is the reason why I am comfortable with this and why in my original address I did say, however, for us not to forget that there is a significant savings task ahead of us. It would be difficult if we just said, "We commit to quarantine this group and this group." We have to approach that task—and certainly this is the way I am approaching it—with a very open mind about where we find those savings from or where we increase revenue to assist with that budget recovery.

In relation to the efficiency dividend, I am quite comfortable with it. The government is quite well along the way of the work that is going into that process of asking agencies to identify their one per cent savings ideas for the consideration of budget cabinet in the lead-up to putting together the 2010-11 budget.

With my community services hat on, I would have to say that I certainly support everything Ms Hunter has said. My feedback from the community sector, and I think I

have noted this in some of the budget submissions that have been put together, is that, instead of coming with large asks about additional resources, although there is a bit of that and that is to be expected, there is a general theme coming through about a plea to maintain current funding levels based on increased demand that those agencies are seeing.

We have a longer budget recovery strategy to allow for that flexibility. That is why we have taken the decision for a seven-year recovery, which I know the Liberal opposition are opposed to. The seven-year strategy was so that we can take our time to recover and to ameliorate some of the impacts of those decisions we will have to ultimately take about savings over a longer time rather than having to just resort to sharp and short shocks, which is what happened in the 2006 budget. We have learned lessons from that, where we did recover.

This job is bigger than that. Certainly the Liberals campaigned for years on the 2006 budget. In fact, I think they are still campaigning on it; they have not moved on from it. That was where we took decisions in a shorter time frame to deliver those savings, and we have learned from that. We have said: "We're not going to do that. We are going to take seven years. We are going to have a long, hard look at areas where we think efficiencies can be made, and everything is on the table."

That is why in the week celebrating Anti-Poverty Week I think it is a bit mean spirited of the Assembly not to commit to ensuring that assistance provided by community organisations to people who are living in poverty is exempted from the efficiency dividend measures as outlined in the budget at a one per cent levy, which was applied across government agencies. I believe the government agencies can find that without adversely affecting community organisations.

Amendment negatived.

Motion agreed to.

Adjournment

Motion (by **Ms Gallagher**) proposed:

> That the Assembly do now adjourn.

Hospitals—Calvary Public Hospital and Clare Holland House
Courts and tribunals—appointments

MRS DUNNE (Ginninderra) (6.38): A couple of things that have happened today require some reflection. There has been some discussion amongst my colleagues about the performance of the Greens in particular in relation to a number of matters brought forward today. I wanted to reflect particularly on some of the things said by Ms Bresnan in relation to the sale of the Calvary hospital. I said in my remarks that it was quite clear that the Greens had made up their minds long ago about the sale of Calvary hospital, and Ms Bresnan seemed to take exception to that.

I remind members of the debate on 17 June this year on a motion moved by Mr Hanson which was substantially amended by Ms Bresnan and substantially watered down. It is part of a pattern that we have seen in relation to Calvary hospital where the Greens, once again, talk about openness and accountability but they are really only interested in talking about openness and accountability on things they are interested in and they are not prepared to look across the board. We have seen that today in relation to community housing. Mr Coe made the point that they wanted a factual analysis of particular formulae but they do not want a reference to the Auditor-General or to anyone else about the financial underpinning of the Calvary proposal.

Ms Bresnan seemed to take particular exception to my assertion that the Greens had already made up their minds in relation to the Calvary proposal. I refer members to page 2425 of *Hansard* of 17 June this year. In the third paragraph of her comments she says:

> The thing we are still not clear about is: do the Liberal Party actually support this purchase?

Now that is an open question. The Liberal Party has not formed a view on whether or not it supports the purchase of Calvary hospital. We are inquiring into it and seeking to put together as much information as possible to help us to inform that decision. Ms Bresnan went on, after asking that question about whether the Liberal Party support this purchase, to say:

> The Greens think that public health services should be in public hands and we support the purchase; we think it is a good thing to be happening.

So it is quite clear, and has been quite clear from the outset, that the Greens are in support of this matter and therefore the debate on this is closed. I think that the ACT has been ill served by the Greens on this matter. They have not been prepared to exercise any intellectual curiosity about whether this is a good deal, whether it is good value for money and whether or not they will actually be providing better health services for the people of the ACT.

On another matter, Mr Rattenbury, in the debate on the Courts and Tribunal (Appointments) Amendment Bill, tried to have a little go about how the Liberal Party had backflipped on murder. I want to put on the record that at no stage did the Liberal Party oppose the changes proposed by the attorney in relation to murder. We supported the bill in principle but we questioned whether the wording was appropriate and we sought more review. As a result of the review, which I chaired, there was a recommendation to the attorney which asked the attorney to consider an alternative form of words.

There was no recommendation that the attorney should adopt a particular form of words. The recommendation was very precise: it was to consider an alternative form of words. The attorney did that. He considered it and put forward a very considered piece of argumentation in favour of his position, which the Liberal Party supported because we had supported that proposal in principle. There was no backflip. There

was no change of views; there was a clarification of views. There was a refining of views but we did not backflip. We did not make a commitment to the attorney that we would go one way and then went and changed our minds. We asked for a review, we came to a conclusion and there was a recommendation which was quite equivocal. The recommendation was that the attorney should consider another form of words. There was no backflip.

Gungahlin United Football Club esCarpade

MR SESELJA (Molonglo—Leader of the Opposition) (6.43): I was very pleased, on 25 September this year, to attend the Gungahlin United Football Club senior presentation dinner. The Gungahlin United Football Club are an organisation that I have had an association with over a number of years. I think they are one of the fastest growing football clubs, certainly in the ACT. They are now one of the bigger football clubs here in Canberra and serving the needs of the growing community of Gungahlin. It was a great pleasure to be there; it always is. They showed me and Ros, my wife, wonderful hospitality. We both had a fantastic evening—indeed, even though the Parramatta-Canterbury game was on and I was not watching it. I managed to avoid knowing the score, too, which was fantastic; they were all very good to me.

I want to acknowledge the new president, Mark Walker, whom I had the opportunity of speaking with throughout the night. I acknowledge also the former president, Victor Hughes, who served for a number of years, and Nicky McGale, our contact person.

I also take the opportunity to acknowledge some of the people who received awards on the night. I will go through them fairly quickly because there is a reasonable list. There were a number in all of the different age groups. There were some life member recipients: Chris Granger and Ricardo Alberto. The 2009 senior club person of the year was Chris Granger. The 2009 senior player of the year was Bryson Thomas, and the 2009 senior coach of the year was shared, I believe, among Tiahn Rukavina, Craig McGale and Raj Kumar.

A number of awards were given in various age categories. With respect to the players' player, going through the different divisions, we had Sara-Jane Byrne, Tiahn Rukavina, Raylene Foster, Bryson Thomas, Rudhra Prasad, Brad Sawyer, Ryan Kay, Lognadan Gounder, David Langlois, Jayde Uttley and Emma Conlan. The fair play awards went to Jade Sargent, Michella Bertrand, Jo Murray and Jody Berry, Stephen Keefe, Dot Lwin, Robert Foote, Richard Grant, Ritesh Karan, Michael Seldon, Robert Granger, Jason Argento, Shiann Knight-Moore and Skye Singh, and Claire Larkin. The most improved/golden boot awards went to Emma Pinner, Tanya Campbell, Ben Damiano, Rohit Chand, Anthony Laurent, Jimmy Ngo, Faisal Sheik, Nick Malouf, Dylon Singh, Cale Robertson, Rebecca Lang and Natasha Cartwright.

I would like to pay tribute to all those who received awards on the night, but I particularly pay tribute to the Gungahlin United Football Club for the wonderful service it provides to the people of Gungahlin and to the people of the ACT in general.

I thank them for the wonderful hospital they have shown me over the years in welcoming me to their events.

I also note the wonderful contribution of Ivan Slavich and Eoghan O'Byrne in relation to the esCarpade fundraiser, which is a fundraiser for Camp Quality. There was a fundraising dinner for esCarpade at the Hellenic Club last Thursday. Five hundred people attended that. There were over 20 businesses supporting either as sponsors or with in-kind sponsorship. All of the money raised goes to Camp Quality ACT to help kids and their families living with cancer. I understand that they will be handing over a cheque to Camp Quality at McDonald's Belconnen on Friday at 8.30 am, and it will be for around $200,000. It is an outstanding effort.

Over the last three years, the team has raised approximately $575,000 for Camp Quality. Fifty-four cars were in the event, and this car, the esCarpade car, from Ivan Slavich and Eoghan O'Byrne, raises about one-fifth of all the money raised, and it is Camp Quality's main fundraiser. I think that is a real local success story in terms of its contribution to Camp Quality. Both Ivan and Eoghan have done an outstanding job over a number of years. That is quite a phenomenal amount—$575,000 over the last three years, and around $200,000 this year. I pay tribute to these Canberrans who are doing wonderful things for Camp Quality. It is a very worthy charity, and I congratulate them on their achievements. I congratulate Camp Quality on the wonderful work that it does in our community, and indeed right around the country.

Ms Veronica Wensing

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (6.48): I want to highlight the win by Veronica Wensing. Veronica has been named the Telstra ACT Business Woman of the Year. Veronica is the Executive Officer of the Canberra Rape Crisis Centre. At this very important organisation, she oversees an organisation that provides 24/7 phone support for people affected by sexual violence, legal and medical advocacy services, face-to-face counselling for women, children and men, community education, and input into government policy and reforms.

Veronica has been a very dedicated member of the community sector, and certainly in her role as executive officer at the Canberra Rape Crisis Centre for many years. She has a massive commitment to protecting women's rights and also to bringing attention to issues that are affecting women and to inspire other women to contribute to collective action.

Apart from the counselling service, I know that they are looking at implementing a particular program into schools very shortly. This is a respectful relationships program. Not only have Veronica and her organisation decided that it is incredibly important to provide services to those people who have been affected by sexual violence, but also that it is incredibly important to work on the prevention of sexual violence in our society which, unfortunately, is an issue that is not going away any time soon.

The sorts of programs that Veronica and her team will be implementing in schools are so important in talking to our young people around what makes a respectful relationship. Hopefully, that sort of community education and involvement will bear

fruit in that we will see less sexual violence against women and also, obviously, against men and children.

I have known Veronica for many years as an incredibly important person out there in the community sector. She not only has overseen this great organisation that delivers such important services but also she really has been about professionalising the organisation and ensuring that her workers have the opportunities to continue their professional development. She is a great support for young women who have worked at the Canberra Rape Crisis Centre. In fact, one of her young employees, a few years ago, sat on my board of management. Veronica very much supported that arrangement, gave the young woman time off work and really encouraged her to get involved in learning about governance of organisations and developing a whole new set of skills.

I wanted to take this opportunity to congratulate Veronica Wensing on being awarded the title of 2009 Telstra ACT Business Woman of the Year and certainly wish Veronica all the best. She will now progress to the national finals in Melbourne on 12 November. I am sure that many people across Canberra will be sending their best wishes to Veronica on 12 November.

Question resolved in the affirmative.

The Assembly adjourned at 6.54 pm.

Schedule of amendments

Schedule 1

Courts and Tribunal (Appointments) Amendment Bill 2009

Amendments moved by the Attorney-General

1
Part 2
Page 3, line 1—

omit

2
Clause 6
Proposed new section 7AA
Page 5, line 6—

omit proposed new section 7AA, substitute

7AA Requirements of appointment—magistrates

(1) The Executive must, in relation to the appointment of magistrates, determine—

(a) the criteria that apply to the selection of a person for appointment; and

(b) the process for selecting the person.

(2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

3
Clause 7
Proposed new section 8AA
Page 6, line 3—

omit proposed new section 8AA, substitute

8AA Requirements of appointment—special magistrates

(1) The Executive must, in relation to the appointment of special magistrates, determine—

(a) the criteria that apply to the selection of a person for appointment; and

(b) the process for selecting the person.

(2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

4
Clause 8
Page 6, line 16—

[oppose the clause]

5
Clause 9
Page 7, line 1—

[oppose the clause]

6
Clause 11
Proposed new section 4AA
Page 8, line 6—

omit proposed new section 4AA, substitute

4AA Requirements of appointment—resident judges

(1) The Executive must, in relation to the appointment of resident judges, determine—

(a) the criteria that apply to the selection of a person for appointment; and

(b) the process for selecting the person.

(2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

7
Clause 12
Proposed new section 40A
Page 9, line 3—

omit proposed new section 40A, substitute

40A Requirements of appointment—master

(1) The Executive must, in relation to the appointment of the master, determine—

(a) the criteria that apply to the selection of a person for appointment; and

(b) the process for selecting the person.

(2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

8
Clause 13
Page 9, line 15—

[oppose the clause]

9
Clause 14
Page 10, line 1—

[oppose the clause]